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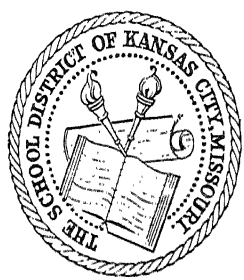

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The Messages and Proclamations

OF THE

Governors

OF THE

STATE of MISSOURI

COMPILED AND EDITED BY

SARAH GUITAR

and

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SECRETARY OF THE STATE HISTORICAL
SOCIETY OF MISSOURI

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PREFACE

This volume of the "Messages and Proclamations of the Governors of the State of Missouri" includes the messages and proclamations of Governors William Joel Stone (1893-1897), and Lawrence Vest Stephens (1897-1901).

FLOYD C. SHOEMAKER.

Columbia, 1926.

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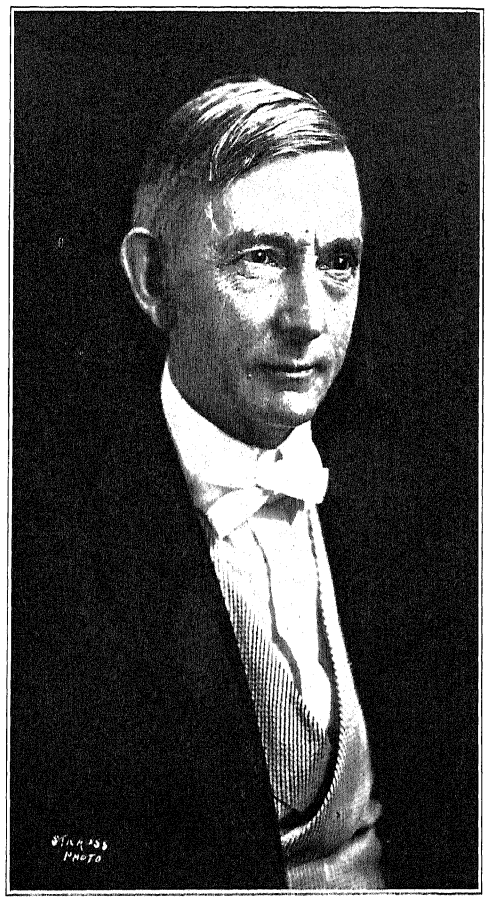
GOVERNOR WILLIAM JOEL STONE



William Joel Stone

Governor 1893-1897

WILLIAM JOEL STONE

By
Oliver H. Hoss

William J. Stone was born May 7, 1848, in Madison county, Kentucky. The family from which he was descended originally came from England to the ancient colony of Maryland in an early day. The first American ancestor was governor of Maryland under Lord Baltimore and a later ancestor was a signer of the Declaration of Independence. Later the family moved to Virginia. The great-grandfather of William J. Stone was a soldier in the Revolutionary War from Virginia and his son, John Stone, who was born there, subsequently moved to Madison county, Kentucky, early in the previous century, where he died at the age of ninety-four in the year 1863. The father of the subject of this sketch was William Stone, born in Culpeper county, Virginia, in 1813, and went with his father to Kentucky, where he married Miss Mildred Phelps. In 1863 he went to Daviess county, Indiana, and from there moved to Waco, Texas. He was twice married, his second wife being Miss Dora Johnson. His first wife died in 1852, the second wife in 1880. After the death of the latter, the father of William J. Stone moved to Nevada, Missouri, where he died in 1881.

William J. Stone was the youngest of four children by his father's first marriage. He worked on his father's farm in Madison county, Kentucky, and attended school until 1863, when, going to live with his sister at Columbia, Missouri, he enjoyed the privilege of a three years' course of study at the University of Missouri, to which was added a thorough commercial education at Stewart's Commercial College at St. Louis. On his return to Columbia, he entered the law office of his brother-in-law, Hon. Squire Turner, and two years later, 1867, was admitted to the bar. A partnership was then established with Judge A. B. Carleton, at Bedford, Indiana, but continued only about two years,

when Mr. Stone came to Nevada, Missouri, and engaged in the practice of his profession.

From 1872 to 1874 he served as prosecuting attorney of Vernon county, Missouri. In 1874 he was married to Miss Sarah Louise Winston, daughter of Col. W. K. Winston of Cole county, Missouri. Mrs. Stone is a woman of many social graces, possessing that innate refinement which is the chief charm of womanhood. The children of Governor Stone are Kimbrough Stone, now Judge of the United States Circuit Court, Miss Mabel Stone, who lives with her mother at Kansas City, Missouri, and Mildred Stone, married to John G. Parkinson of St. Joseph.

After he served as prosecuting attorney of Vernon county, Mr. Stone formed a law partnership with C. R. Scott of Nevada, which continued a number of years, then with Judge D. P. Stratton, and later with Granville S. Hoss. Mr. Stone was an able lawyer, an eloquent advocate, and was eminently successful at the bar. He was frequently a delegate to the Democratic state conventions and in 1876 was a presidential elector.

In 1884 William J. Stone was nominated for congress from what was then the old twelfth congressional district of Missouri, and served in congress with distinction for three terms and declined to run again for the nomination for a fourth term. Mr. Stone's record in congress is a record of hard work in behalf of the people of his state and of his country. He was chairman of the subcommittee on public lands. As a consequence of his work on this committee it was disclosed that hundreds of thousands of acres of public land were claimed by railroads as land grants to induce the building of railroads in the Northwest, and to which public lands the railroads had no just right or claim.

William J. Stone's main work in the House of Representatives was in connection with the forfeiture of land grants to Pacific railroads, and came to a climax in July, 1888. He fought constantly for the forfeiture of all these lands held by the railroads, where the facts showed a failure of compliance by the corporations with the terms and condi-

tions of the grants. He charged fraudulent entries, bribery and perjury against the roads, together with wholesale violations of the terms of the grants.

Mr. Stone grew in mental stature while he was in congress and many of his warmest friends in his old congressional district were positively angry with him because he would not stand for a fourth nomination and term in congress, but Mr. Stone had told those who were contemplating contesting the nomination with him in 1888 that if they would not contest his third nomination he would not run again for that office and would leave the field open for the others. There was talk of forcing the nomination on him against his wishes. A few days before the congressional convention met at Butler, Missouri, in 1890, Mr. Stone went to the law office of a young friend of his in Nevada, and said: "I wish you would go up to Butler and attend the convention and put a stop to my nomination, and in all events absolutely forbid the convention to nominate me. You see I told the boys two years ago that if they would let me have the nomination for the third time without a fight and contest, I would get out of their way at this time and I want to keep my word, of course, because I think a man ought to keep his word in politics the same as in anything else."

The young friend of Mr. Stone carried out his instructions and the convention at Butler nominated the Hon. David A. DeArmond, who served with such distinction in congress for twenty years thereafter. Anyone familiar with the life and character of William J. Stone cannot fail to be impressed with the absolute integrity and unflinching honesty of the man. The writer remembers that the late General J. B. Weaver of Iowa made a speech at the courthouse in Nevada, in 1890, in which Congressman Weaver said: "You people of Vernon County ought to be mighty proud of your congressman, William J. Stone, because I personally know that he turned his back on millions of dollars when he was in congress."

After completing his term in congress Mr. Stone came back to his home in Nevada, Missouri, and continued in the

practice of his profession. In 1892 he became the nominee of his party for governor of Missouri and, being chosen to that office at the ensuing election, William J. Stone gave to the State of Missouri one of its ablest and cleanest administrations.

It will be remembered that there was a financial stringency and panic beginning in 1893 and on top of that the American Railway Union strike and the miners' strike, all of which tended to disturb business and create a spirit of industrial discontent. It was in this year that the Coxey movement had its genesis. The result of all these disturbances was that the military arm of the state was called into requisition in many states in the union, including three states bordering on Missouri—Kansas, Iowa, and Illinois. Although Missouri was a great railroad and a great mining state and these disturbances were as powerful in Missouri as in other states, the situation was handled so well by Governor Stone that the disturbances were reduced to a minimum and at no time did the Governor find it necessary to declare martial law or call out the state troops. This, of course, was due to the firm, but common-sense, manner in which Governor Stone handled the situation.

Besides the economic depression and disturbances, the reduction of the state revenue began about the first part of Governor Stone's administration. Under the state constitution the rate of taxation for state purposes automatically changed from 20 to 15 mills when the assessed valuation reached $900,000,000. Up to the beginning of Governor Stone's administration the assessed valuation had been a few millions under $900,000,000, thus affording the maximum revenue. The reduction of the rate of taxation for state purposes from 20 mills to 15 mills resulted in a loss of one-fourth of the tax rate with no compensating increase in the assessed valuation. Again in 1892, just before the beginning of his term as governor, the main building of the State University had burned, and during his administration the buildings at one of the State normal schools had also been destroyed by fire. In the face of this financial condition, the

affairs of the state were so handled that not only were all state needs met, repairs and addition to the eleemosynary and educational institutions made, including the present main building at the University of Missouri, but the state bonded debt was very materially reduced.

At the beginning of his term this bonded debt amounted to $6,680,000, consisting of $1,380,000 at six per cent and $5,300,000 at three and a half per cent. During Governor Stone's administration, all of the six per cent bonds and $300,000 of the three and a half per cent bonds were paid, thus reducing the total debt by $1,680,000, disposing of all of the higher per cent bonds and reducing the annual interest demand by almost $100,000. As important items in connection with this subject it may be said that the reduction of the annual revenue through the change of rate of taxation was about $500,000, and that during this time nearly $800,000 was expended in connection with additions and repairs at educational and eleemosynary institutions. Governor Stone's famous fight against an organized railroad lobby resulted in the enactment of the Railroad Fellow Servants Law. Governor Stone's administration as governor was so wise and able that it attracted the attention of people in other states of the Union.

Governor Stone's political career in Missouri was unparalleled in the State's history. He was the only man who was elected as congressman, governor, and United States senator from Missouri. For several years before and after Mr. Stone's term as governor, the governorship of Missouri had been considered as a political graveyard, but by the sheer force of Mr. Stone's ability he reversed all this and went out of the office of governor far stronger with the people than when he went in. He was a leader among leaders.

It was well known among political leaders of the state at the close of Governor Stone's administration that there were urgent demands on him to run for the senate in 1897 but the Governor turned a deaf ear to these pleas in deference to the fact that while that gifted orator and statesman, George G. Vest, was fast declining in physical health

and strength, yet Governor Stone modestly refused to enter the contest against Senator Vest, whom he so much admired. And it was only after Senator Vest announced his forthcoming retirement that Governor Stone consented to become a candidate for the United States Senate. He was elected to the Senate and took his seat in that body on March 4, 1903, in which place he continued to serve until the date of his death, April 14, 1918.

When Senator Stone was re-elected to the senate in 1909, he was given a place on the Finance Committee, and as such was charged with much of the responsibility for the position of the minority on the Payne-Aldrich bill. His work in the senate during the first Wilson administration was varied and distinguished. In 1913 he became chairman of the Committee on Indian Affairs, and as such had charge of the Indian appropriation bill, at that time a measure involving questions of vital interest to the West. He was ranking Democratic member of the Committee on Finance. He was also ranking majority member on the Committee on Foreign Relations and, upon the death of Senator Bacon of Georgia early in 1914, Senator Stone was made chairman. In addition to this work, of itself sufficient to tax the enduring strength of any man, he rapidly advanced in the confidence and favor of all with whom he came in contact and was called upon to look after many matters of concern to the administration.

As chairman of the Committee on Foreign Relations he had charge of the thirty Bryan peace treaties, which the Secretary of State had negotiated with foreign governments, all of them receiving ratification.

A memorial session of the Congress was held to commemorate the life and service of Senator Stone. Lack of space precludes the insertion of extracts from the large number of eulogistic addresses delivered on this occasion by senators and representatives who had labored with him in the public service for many years, and I quote from only two, Senator James A. Reed and Congressman L. C. Dyer, of Missouri.

"Men of the Senate, you have seen him toil unremittingly by day. You know how he labored in committees far into the night. When, some three years ago, the great finance bill was pressing, he undoubtedly broke his health by the tremendous labor he underwent. At that time he survived a sick spell that threatened to bring the end. He never was strong again; and yet he came to this body when he was so feeble that he could scarcely walk. He sat with his committees. He toiled and wrought unceasingly. Not a detail of duty was allowed to escape his vigilance and industry. And so, worn out and troubled, this old soldier serving a life enlistment in the army of patriotism, came to answer the question that has been so often referred to today. 'Is it my duty to vote to plunge my country into the great European war or is it my duty to seek to hold her back?' I know his heart on that. I talked with him. I said to him:

> "'It is the decree of Fate; war will be declared. A vote against it will mean your political ruin. You are old and you have no property.'

"I wish—great God of justice, how I wish!—all the people of his state could have looked into his eyes as I was looking then and could have seen his soul as I saw it revealed and could have heard his voice, tremulous with emotion, as he answered:

> "'I know what it means to me. I know this war is coming. I know the people are aflame with the spirit of battle. I know that it is inevitable; but would you have me consider my personal welfare in a case that involves the lives of millions of men, the heartaches of countless mothers, the breaking up of homes? I cannot vote to send our boys into this conflict, to involve our country in this struggle, the end of which we cannot see, and the results to our country and our civilization we

cannot prophesy. I cannot so vote until further efforts have been made to avert the fearful sacrifices.'

"And so he cast his vote against the declaration of war. Was it not a brave thing to do? Had he voted for war, he would not have been voting to send himself to war or into any danger. He would have been acclaimed a great leader. When he voted against war, he voted his own crucifixion for months; perhaps forever. Had he voted for war, he would not have voted to send his own son, for he was a distinguished Federal judge, beyond the age to be sent to war.

"He would not have voted to send a single close personal relative so far as I know. He was not thinking of himself. He was thinking of the sons of other fathers, the grown-up 'babies' of other mothers, the husbands of wives, the fathers of children who would die on distant battle fields. He was looking at the orphans that were to be, the army of cripples that would soon march across our land. He was thinking of our country and the dangers that lurked after the war as well as in the war.

"So he endured the torture of attack, the obloquy of slander, the shafts of abuse, and stood up bravely and without shrinking. But as the war went on each day he gave his thought, his heart, his energy to the success of the American Army. I say here what has already been, in substance, said: it was the grim advance of Germany's hosts that did much to break him down and to hasten the inevitable end. Day after day I was in his office, calling generally in the morning, finding him there almost invariably pacing the floor. In his hand a newspaper describing how the French were being driven back and back and how the gallant English were being forced to retreat; telling of assaults with poison gas and deadly shells that broke the heroic ranks of our allies and carpeted the ground with thousands of their gallant dead.

"I saw him then and know how his soul agonized. I know how his body quivered with excitement and sympathy for our friends and for our cause. It was not hard then to discover that the old patriot and lover of his country could not longer withstand the agony. At last the strain became too great, the vital cord snapped. In the fullness of his intellectual power, at the zenith of his greatness, he halted. His work for country and for humanity had ceased.

"There is no speech or tongue that can quite do justice to a life like his. Faithful to friends and true to every trust, through life's long battle he fronted every foe. His arm was never lowered in the strife. He never struck an unkind or ungenerous blow. He folded the mantle of honor about him and laid down upon life's battlefield and sank into that peaceful slumber death brings the brave. There is no stain or taint upon his life, and at its end his friends and all the world can write. 'Well done, thou good and faithful servant.' "—Senator Reed, of Missouri.

"Senator Stone gave the great part of his life to the service of the people of Missouri and the people of the Nation. He rendered conspicuous, able, and brilliant service, and although of a different political party from him, I say most truthfully and candidly that I think Senator Stone was one of the ablest public servants that Missouri has ever had. I feel that we have lost a public servant, and feel privileged to enter in the Record my judgment, as one of the Representatives of Missouri, as to the able public service of Senator William Joel Stone."—Congressman Dyer, of Missouri.

Senator Stone had a constructive mind of an unusually high order and was always working and planning for the welfare and happiness of the people of our country. He devoted the best years of his useful life in ceaseless toil for the public good, without any thought of personal gain for himself. He had never acquired material wealth, even in a

moderate amount, but used his great talents for the benefit of his country and in doing this he preserved for this generation the best traditions of that wise, brilliant and patriotic statesmanship which has created and guided our Republic. No statesman ever had a higher regard for an official trust than William Joel Stone.

In accordance with a wish previously expressed, his body was buried in the family lot in Deepwood Cemetery at Nevada, Missouri.

During all of his official life he maintained his membership in the Masonic bodies at Nevada. He was a member of Osage Lodge No. 303, A. F. & A. M., Royal Arch Chapter, and the Commandery of Knights Templar. He did not maintain membership in any denominational church, but of Senator Stone it might well be said: "His was a faith too large for creeds."

A posthumous incident illustrating Senator Stone's high ideals is here set forth as taken from the St. Louis Star of March 8, 1926:

"Sam Lazarus, St. Louis capitalist and railroad owner and builder, who will be buried today, helped many persons by friendly tips to acquire wealth, but Lazarus had one close friend who never would accept a tip of that kind and who threw away a chance to make an honest fortune because he considered it unethical for a man in public office to make money that way. The friend was the late United States Senator Stone of Missouri.

"Lazarus told the story a year ago to a reporter for The Star whom he knew, but jokingly insisted that it should not be printed 'till after I'm dead.' Lazarus' objection was that it would be bringing himself too much publicity for a friendly act.

"As told by Lazarus, when he started one of his railroad building projects in Texas during Stone's career as senator, he determined on several townsites in advance. The country was raw prairie and the land could be bought for from $5 to $20 an acre.

" 'Stone was a poor man and I knew it,' Lazarus said. 'He had his salary as Senator and that was about all. He threw away scores of opportunities to become wealthy through his position in the senate. It was money that could have been made without transgressing any law, and by most persons would have been regarded as legitimate.'

" 'I told Stone about my railroad and suggested that he buy 100 acres where one of the future towns was to be and hold it, as I knew there was bound to be a big rise in value as soon as the road was built. I had made similar large investments myself.'

" 'Stone first said he had no money to invest. I offered to lend it but he refused. He said it might not look well for a United States Senator to engage in a transaction of that sort because the railroads were being regulated by the government through the Interstate Commerce Commission and there were questions coming up frequently regarding railroad legislation on which he had to vote.'

" 'I didn't say anything to Stone about it, but I was convinced in my own mind that Stone was wrong, so I bought 100 acres at a future townsite and had the deed put in his name and recorded, without his knowledge. I made out a note for the amount of the investment at 6 per cent interest and left it unsigned. Stone never knew a thing about it for three years.'

" 'The railroad was built and the town ready to be laid out, and the land jumped in value to $100 an acre. It was a good time to sell, so I wrote Stone, who was in Washington, telling him what I had done, enclosing the deed for him to sign, and the note. I told him I'd make the sale for him and remit the difference, amounting to almost $10,000.'

" 'Back came a letter from Stone with the unsigned note, telling me he would have nothing whatever to do with the transaction, even to signing the deed, unless I would promise not to send him the profit or any share of it. 'I had nothing to do with this, Sam, you know it. I can't afford to jeopardize my reputation for honesty by even taking part in a friendly deal like this,' Stone wrote. 'I'll never touch a

cent of it. Nobody ever has accused me of using my influence as a senator or my personal friendship to make money for myself, and I'll not begin now.'

"Lazarus said Stone later signed the deed to permit Lazarus to sell the land, but the Senator was so indignant that Lazarus never renewed the offer and took the profit himself.

"Senator Stone died a poor man."

INAUGURAL ADDRESS

JANUARY 9, 1893

From the Journal of the House of Representatives, pp. 25-27

Senators and Representatives:

As an independent and co-ordinate department of the State government, elected to your high offices by the same constituency which has commissioned me, with great powers confided to you to be employed independently, and yet for the general good in patriotic co-operation with those designated by the people to exercise the functions and powers of other departments, I greet you.

I shall not, on this occasion, discuss in detail, or with adequate suggestion even, any question of legislative or administrative policy. If, during the progress of your ensuing session, I shall at any time deem it important to advise with you upon any particular subject of public interest, I will do so by special communication.

I am content now to express the hope, which I devoutly cherish, that all of us who are to be associated in the administration this day inaugurated may, without regard to party opinion or affinity, be always inspired by sentiments of elevated patriotism, and, so far as may be possible, act in harmonious concert with the sole purpose of advancing the state and of being useful to the great people who have honored and trusted us. In practical administration we should exercise simplicity without boorishness, economy without parsimony, courage without audacity, candor without gush, diplomacy without deception, publicity without indiscretion, and patriotism without pretense. In other words, we should practice what we preach. Public office is a public trust; but they are trusts which should not be multiplied or continued except to meet some imperative public demand, and should always be administered with the

most discriminating and exacting fidelity. Not a farthing of public money should be expended which is not essential to the public welfare; but whatever is necessary for the development and expansion of the State and the promotion of the general good should be promptly appropriated. Public expenditures should be made with studied economy and absolute integrity, and yet we should take large and progressive views of all questions, so that this great State of ours may not be impeded in her onward march to that imperial supremacy which lies before her.

We should remember that we are but the representatives of the people; that the powers we are about to exercise have been committed to us as a matter of confidence and trust by those thousands still occupied in the fields and shops and counting-rooms of the State; that the business we are commissioned to transact is their business. This is a government of the people, and we are but their agents. They have a right to be informed at all times as to the state and condition of their public affairs. There is little legitimate occasion for public officials to lock up public secrets and exclude the people from their confidence. The people are justly suspicious of secrets, and they will resent any trick or deception imposed upon them. I believe, therefore, in dealing openly and frankly with the people of the State, relying confidently upon them to second and approve any effort we may make to carry the State on along the pathway of a higher and nobler development. If we shall approach our duties and discharge them in this spirit, I am sure the public expectation with regard to us will not be wholly disappointed, and we can hope to add something of value to the splendid achievements wrought out by the administrations which have preceded us, one of the most successful and illustrious of which is this day concluded.

As Missourians, we should feel an honest pride in our noble state. Nature was in her smiling mood when she poured her bounteous blessings with lavish hand on this fair domain we call Missouri. With plains of broad expanse; with valleys nestling along the greatest rivers in the

world, of themselves enough to make an empire; with rugged hills and mountain chains high lifted like sentinels on our border; with vast forest lands, opulent beyond estimate in their towering burdens; with mines of lead, zinc, iron, coal and other minerals, of easy access to industrial use, inexhaustible in supply and rich as the fabled Golconda; with a soil of such diversity and universal fecundity that the products of our fields compete with the cotton of Mississippi, the corn of Illinois, the tobacco of Virginia and the wheat of the Dakotas, and with a climate of such pleasing variety that it dissipates the drowsy ennui of sluggish monotony while it paints for all of us the rose of health—what more could we ask of a generous and indulgent Providence? I do not hesitate to affirm, with a perfect confidence in the absolute accuracy of the statement, that nature has done more for Missouri than for any other state in the American Union. And in material and intellectual growth no state in the Republic, where celerity of development has become the phenomenon of modern times, has outstripped Missouri in the bounding rapidity and substantial character of her progress. Her fields and pastures, her mines and forests, her mills and factories are unexcelled by any state in the diversification and value of their products. With her sloping hills and winding valleys thickly dotted with the pleasant homes of the noblest type of American husbandmen; with beautiful and prosperous towns scattered everywhere like clustering jewels on her breast and mighty cities throbbing with the activities of prodigious enterprise; with her vast net-work of natural and artificial lines of transportation bringing the sources of production into easy and sympathetic touch, and, through her great commercial capitals, into close connection with the markets of the world; with her multiplied hundreds of school-houses, seminaries, colleges and universities, cathedrals and eleemosynary institutions, splendidly equipped and richly endowed, attesting her high attainment in intellectual, benevolent and moral culture; with her 3,000,000 of splendid people, hailing from every clime, but welded into a homogeneous and sym-

metrical whole, with love of liberty as the common bond and the immaculate flower of their patriotism—her men distinguished for their courage, intelligence and hospitality, and her women unsurpassed for loveliness and gentle grace—Missouri, lustrous and glorious, is worthy the place she fills as the central star in the constellation of sovereignties composing the American republic. In population and wealth, in industrial and intellectual achievement, she stands in the first rank among all the states, and pre-eminent among those lying west of the Mississippi. She is worthy our dearest love and of our most considerate and unselfish service. The hope I have to-day is that we, gentlemen, may be instrumental in advancing the State somewhat further along the shining pathway of her great career, augmenting her power, increasing her importance, and adding to her opportunity of blessing those who live within her borders and contribute to her prosperity and renown.

We need to cultivate and to manifest on all occasions a more intense and self-assertive pride in our noble State, in her people and institutions, in what she is and is capable of being—such as characterizes, to their credit, the sons of Virginia and Massachusetts in their devotion to their mother homes. We should learn for ourselves and teach our children to love Missouri above all other states and places in the world. We should feel for Missouri the thrilling fervor of that impassioned love which the Irishman cherishes for the Emerald Isle or the Scotchman for the crags and glens of his native highlands. The honor and good name of the State should be as precious to every Missourian as those of his wife and daughter. Our highest ambition should be to excel in honest and capable service, striving each to do his utmost in the exaltation of the commonwealth.

Duly impressed with the dignity and importance of the trust committed to my hands, I approach the discharge of the responsible duties I this day assume with grave distrust of my own ability; but, conscious of the rectitude of my desire and the patriotism of my motives, invoking the

Divine guidance and relying upon the considerate co-operation of my fellow-citizens, I shall go forward sustained by that high hope which fills my heart, of being useful to my state and therefore not wholly unworthy of my station.

WM. J. STONE.

FIRST BIENNIAL MESSAGE

JANUARY 1, 1895

From the Appendix to the Journals of the General Assembly, 1895

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, January 1, 1895.

To the Senate and House of Representatives of the Thirty-eighth General Assembly of Missouri:

The revenues of the State are derived from a direct tax of twenty-five cents on the one hundred dollars levied upon the real and personal property of individuals and corporations, from license taxes, a tax on premiums received by insurance companies, a tax on merchants and manufacturers, an incorporation tax, taxes against express companies, interest on deposits, and from several minor miscellaneous sources. All the moneys derived from State taxation are primarily divided into two funds, namely, the "State Interest fund" and the "Revenue fund." By the act of April 18, 1889, it is provided that a tax of ten cents on the hundred dollars shall be levied to meet the interest on the public debt, and to provide a fund for the reduction of the principal of the debt, in compliance with the Constitution, which requires the annual payment of at least $250,000 thereof. All sums arising from this tax, together with two-fifths of the merchants' taxes, are first paid into the "Interest fund." After deducting so much thereof as may be necessary to pay the interest accruing during the year for which the taxes were levied, the remainder is, by order of the Fund Commissioners, transferred to what is called the "Sinking fund," which is a fund specially set apart for redemption of bonds.

By the act of March 24, 1892, it is provided that the sum of 15 cents on the hundred dollars valuation shall be levied for State revenue. All sums arising from this tax,

together with the license tax, the insurance tax, the incorporation tax, three-fifths of the merchants' tax, etc., are paid into the "Revenue fund." Out of the moneys covered by this fund the entire current or running expenses of the State government are paid; that is, out of this fund are paid the salaries of all legislative, executive and judicial officers; all departmental expenses; all sums necessary for the construction and maintenance of eleemosynary, educational and penal institutions; all sums required to pay criminal costs; in short, every current demand of any description coming against the public treasury. It is also provided by the Constitution that not less than 25 per cent of the State revenue shall be applied annually to the support of the public schools, and for some years past one-third of the ordinary revenues have been appropriated for that purpose. So that the current expenses of the government have really been met by using only about two-thirds of the "Revenue fund." The tax levied for current expenses upon real and personal property, and upon the property of railroad, bridge and telegraph companies, is only 10 cents on the hundred dollars, the remaining 5 cents, levied under the act of 1892, being set apart for the support of public schools, and thus returned to the people.

During the years 1893-4 the total revenue received into the State treasury from all sources of taxation amounted to the sum of $5,990,550.10. Of this aggregate sum, $2,953,026.45 were received in 1893 and $3,037,523.45 in 1894. It was divided as follows:

	1893.	1894.	Total.
Interest fund.....	$924,825.45	$1,031,043.19	$1,955,868.64
Revenue fund.....	2,028,201.20	2,006,480.26	4,034,681.46
Totals.....	$2,953,026.65	$3,037,523.45	$5,990,550.10

REVENUE FUND, 1893-4

First, as to the Revenue fund: From the foregoing it will be seen that during the last biennial period, the sum realized from all sources of taxation and set apart to meet the demands against this fund amounted to $4,034,681.46. The total appropriations made by the 37th General Assembly, payable out of this fund, amounted to $4,025,934, which includes $1,227,000 set apart in compliance with the appropriation for the support of the public schools. Of these appropriations, I estimate that $422,704 were for purposes that may be termed extraordinary—that is, appropriations made for special purposes, such as the construction of public buildings, and do not need to be again provided for. But the remainder of these appropriations, which, after excluding that paid to the public schools, amounted to $2,376,230, were made to meet the ordinary expenses of the government—that is, for purposes necessary to be again provided for, such as salaries of officers, support of State institutions and the like. Of the sum thus appropriated for ordinary expenses, it is estimated that about $100,000 will not be actually used, and will revert to the treasury. By deducting this sum, it will be seen that the actual ordinary expenses of the State government for the years 1893-4 amounted to about $2,276,230.

REVENUE FUND, 1895-6

Referring your honorable bodies to the several departmental reports for more detailed statements of receipts and expenditures for the last biennial period, and using the summary above made for comparison, I now direct attention to the same subject as it relates to the ensuing corresponding period.

Upon consultation with my associates in the State government, and after careful calculation, it is estimated that the amount which will be paid into the Revenue fund during the next two years will aggregate about $4,200,000

This will be an increase in receipts over the two previous years of about $200,000, probably less, due to the development of the State and the increase in the value of property. Against these receipts we have set the sums that will be required to meet the ordinary current expenses, which, including the public school moneys, we estimate will reach a total of $3,754,580. This estimate exceeds the total of the ordinary appropriations for the preceding two years (including school moneys for both periods) by $151,350. About one-half of this estimated increase will be occasioned by a larger distribution to the public schools resulting from a larger revenue, and the remainder is attributable to the recommendations made for increased appropriations for the support of the National Guard, the Bureau of Geology and Mines, and certain of the State institutions. A statement setting forth in detail the items of the recommendations agreed upon will be given in the Auditor's report. It will suffice at this time to explain the principal items.

INCREASES EXPLAINED

(a) The last General Assembly appropriated $18,000 for the support of the National Guard of Missouri. I desire to recommend an increase of $17,000 on this account, which, if agreed to, will make a total appropriation of $35,000. The National Guard of this State is composed of a body of splendid men—loyal, law-abiding and patriotic. The force has always been prompt to obey orders and put itself at the service of the State. In times past it has rendered actual and important service in the preservation of public order. I do not believe in invoking the military power except in cases of urgent and grave emergency. I am happy to say that during my incumbency as Governor I have not found it necessary to call the militia into the field on active duty; but on several occasions I have deemed it necessary to require that the force be put in condition for immediate service. To all calls made in this behalf the troops have responded with alacrity and without a moment's hesitation.

The maintenance of a fairly well-equipped militia is not only in conformity to our theory of government, but it is a positive necessity. The presence of an adequate and efficient force of this kind removes all excuse for the employment of the regular army in purely domestic affairs. It was never intended by the fathers that the Federal military should be used, without invitation, to do, or aid in doing, those things which are incumbent upon the militia, which is a National as well as a State organization. It is always to be greatly hoped that there will be no need to employ the military, but when the necessity does arise it is often of the highest moment. The present force is not large, although I think large enough to meet any probable contingency. The force consists of one brigade, composed of four regiments of infantry and two batteries, aggregating 2,134 men. The last appropriation is inadequate for a proper support. It amounted to a per capita of about $8.42 when distributed. Out of this the different companies paid for armories, for traveling and encampment expenses, and all other expenses to which they were subject. For lack of funds, no brigade encampment was held during the last two years, and even the regimental encampments were abandoned in 1893. This is unfortunate. The brigade should meet at least once in two years, and regimental encampments should be held in the alternate years. The discipline, efficiency and *esprit de corps* are greatly improved by the competition excited and examples set at these encampments. As the men receive no compensation for their services, a reasonable sum to cover expenses should be appropriated.

(b) The Board of Geology and Mines, for reasons stated in its report, and to which I refer, recommends an increase of $9000 above the last appropriation for the prosecution of the survey.

(c) The last General Assembly created the office of Inspector of Lead, Zinc, Iron and other Mines, at a salary of $1500 per year, but failed, through oversight, to make any provision for the payment thereof. The necessity

for the new Inspector was immediate and pressing, and I accordingly made an appointment to fill the office. To provide for the future salary of this officer, an appropriation of $3000 will be required.

(d) As the ordinary revenue receipts for the ensuing two years will probably exceed those for the last two by about $200,000, and as one-third of that amount will be appropriated for the support of public schools, it is estimated that the appropriation made for that purpose will be increased about $70,000.

(e) The increases in the ordinary appropriation for the educational and eleemosynary institutions it is estimated will aggregate about $55,700. The items of these several increases, with the reasons therefor, can be best elaborated when I come to consider the subjects to which they respectively relate.

FOR EXTRAORDINARY EXPENSES

Assuming that the estimates herein made are correct, and that the appropriations to be made will substantially conform thereto, then, by substracting the ordinary expenses, amounting to $3,754,580, from the revenue receipts, estimated at $4,200,000, there will remain a balance of $445,420. Out of this balance all extraordinary appropriations must be paid. After consultation with my colleagues in the executive departments, we have estimated the extraordinary expenditures for the ensuing two years at the sum of $428,600, which we have distributed as follows:

Criminal costs deficiency	$100,000
All other deficiencies	8,000
Appropriations for miscellaneous objects	40,000
Extraordinary appropriations for eleemosynary, educational and penal institutions	280,600

The items of this latter estimate, with the reasons therefor, will be hereafter explained when I come to discuss the subjects to which they respectively relate.

Summarizing the foregoing estimates relating to receipts into the revenue fund and expenditures for 1895-6, the result may be stated as follows:

Estimated receipts	$1,200,000
Ordinary expenditures	3,754,580
Remainder	$445,420
Extraordinary expenditures	428,600
Final balance	$16,820

ADDITIONAL REVENUE NEEDED

Thus it will be seen that the estimated revenue, if fully collected, will be barely more than sufficient to meet the estimated demands upon it. I do not see how these demands can be materially reduced without detriment to the public service. The estimates exceed the last appropriations by less than $200,000. One-third of that will go to the public schools, and the remainder is for the construction of necessary public buildings, and for the special purposes above explained. It would not be safe to have the line of difference between appropriations and estimated receipts as small as it here appears. When appropriations are made they must be met or the credit of the State will suffer. Estimates of receipts may or may not be realized. Therefore, notwithstanding the importance of the appropriations recommended, I would greatly question the wisdom of making all of them without also making some provision for increasing the revenue; otherwise, a considerable shortage in collections might seriously embarrass the administration. A number of the improvements proposed, however important, must be postponed or additional sources of State revenue must be provided. These are questions requiring your most thoughtful attention. It is my purpose to submit at an early day some additional observations upon this line for your consideration.

INTEREST FUND

During the biennial period terminating December 31st, 1894, the sum of $1,955,868.64 was paid into the "Interest fund." Of that sum, $1,063,875.18 were appropriated and used to pay interest on the bonded debt, on the certificates held by the State in trust for the Public School and Seminary funds and the incidental expenses of the Fund Commissioners. The remainder, amounting to $891,943.46, was transferred to the "Sinking fund" for use in the redemption and retirement of bonds. In addition thereto there were $52,-172.17 balance in the Sinking fund on January 1, 1893; and $7000 were added thereto by a transfer from the Seminary fund. For a redemption of bonds the last General Assembly appropriated $1,000,000. In 1893 the Board of Fund Commissioners purchased $36,000 of unmatured 6% bonds on the basis of 4%, and called in for redemption at par, $214,000 of 3½ % option bonds, making a total of $250,000 paid on the principal of the bond debt. During the year 1894, namely, in the months of April and July, the Fund Commissioners paid $414,000 of maturing 6% bonds. This makes a total of $664,000 of bonds actually retired between January 1, 1893, and December 31, 1894. This leaves a balance of $336,000 of the $1,000,000 appropriated for the redemption of bonds. The Fund Commissioners did not see proper to use that sum, or any part thereof, for the reason that on January 1, 1895, $409,000 6% bonds matured. In addition thereto, the sum of $118,000 of 6% bonds will mature in April and July of the present year. In view of this large amount of bonds maturing in 1895, the Fund Commissioners deemed it imprudent to use the balance remaining in the Sinking fund for the retirement of bonds during the past year, but thought it wiser to leave the same to the credit of the fund for use during the current year. That balance now amounts to $286,538.48. I am gratified to say that the State Treasurer, with the approval of the Fund Commissioners, was able to make an arrangement to meet the $409,000 of bonds maturing on the 1st

instant, thus fully protecting the public credit. This sum the Treasurer will carry as a cash item until an appropriation is made to meet it.

For the next biennial period, 1895-96, it is estimated that the total receipts into the Interest fund will aggregate $2,060,000. Of this it is estimated that $889,955 will be required to pay interest accruing during that period. That will leave a balance of $1,170,045 to be transferred to the Sinking Fund and made available for the payment of bonds.

DEBT

On January 1, 1895, the bonded debt of the State amounted to $6,016,000. It consisted of $930,000 of 6% bonds and $5,086,000 of 3½% option bonds. Of the 6 per cents, the entire amount will mature during 1895-96, except $11,000, which will mature July 1, 1897. Including the balance, $286,538.48, remaining over unexpended in the Sinking fund, as above stated, it is estimated that the total sum available for bond redemption during the ensuing two years will aggregate $1,456,583. Subtracting this amount from the total debt outstanding January 1, 1895, there will remain the sum of $4,559,417, which will represent the total bonded debt remaining unpaid at the close of this administration, on January 1, 1897; and that entire debt, except $11,000, will consist of bonds bearing only 3½%.

If the interest tax of ten cents on the one hundred dollars shall be continued during the next administration, even on the present basis of valuation, the entire bonded debt will be completely extinguished by the end of the administration of my successor in office. But, in view of an ever-growing decrease in the annual interest charge resulting from the retirement of bonds, and in view also of the rapid development of the State and the consequent constant increase of property valuations, I believe it safe to predict that the State will be wholly free of bonded indebtedness within five years from this date. If this prediction shall be realized, then within the next five years the

interest tax will cease, and the entire State government can be administered by a property tax not exceeding fifteen cents on the one hundred dollars valuation. The practical certainty of realizing this expectation I am sure should afford occasion for general congratulation.

PUBLIC INSTITUTIONS

I pass now to the consideration of the public institutions of the State, and among other things, as already indicated, will briefly discuss their respective financial necessities and requirements. These institutions are educational, eleemosynary and penal.

EDUCATIONAL

Although a little out of the line of my present purpose, it may not prove uninteresting, while on the subject of educational institutions, to say a word about the common schools.

The public educational system of the State, consists of district schools, high schools, normal schools, institutes and the University. The district or common schools are those whose courses of instructions range from the elements of the common branches to an eight-years' course in primary and grammar grades. There are about 10,000 of these district schools in the State. The high schools, so called, are a part of the common school system, but the scope of their work is not well defined. What are called high schools, however, are maintained in almost all cities and towns of any considerable importance. In a general way, the curriculum embraces more advanced mathematics and English than is taught in the common schools, together with elementary Latin, civil government, physiology, etc. Our educational system was constructed with a view to articulating the university courses with those of the high schools, although the organization and practical operation of the system is not yet as complete as could be desired. For the support of the common and high schools, permanent funds have

been provided, aggregating $10,864,569. Of this, $3,141,538 are represented in certificates of indebtedness issued by the State, and the remainder is represented in county, township and district funds, loaned out by the county courts on both real and personal security. The interest arising from these several funds, aggregating nearly $11,000,000, is annually distributed for the support of the public schools. In addition thereto, one-third of the State revenue is devoted to the same purpose, and local taxes are also levied by the district directors. During the year 1894 the sum of $7,417,041 were collected, distributed and receipted into the treasuries of the respective districts for the maintenance of the common and high schools of the State. The available permanent school funds of Missouri are the largest of any state in the Union. No state has done, or is doing, more for public education through the agencies of the common schools than ours. And I feel safe in saying that no fact in our history does more to honor the people, or to exalt the State, than this, and nothing should furnish greater cause for pleasure and pride to every patriotic Missourian.

NORMALS

The State has established three normal schools, located at Kirksville, Warrensburg and Cape Girardeau. In a general way, the scope of their work contemplates special instruction in the branches taught in the public schools and a thorough training in pedagogics, or the science of teaching. In my opinion, these schools are performing a most excellent work. As already stated, there are about 10,000 district schools in the State. There must be at least one teacher for each of these schools, and in many of them several are employed. Year after year the Normals send forth scores of trained and well-equipped young men and women to supply these local schools. That alone should commend them to our highest favor. But that is not all. From year to year, also, many of these educated teachers drift away into other states and become potent factors in the educational

work of their new homes. They go like missionaries to bear our civilization, to speak our praises and spread our fame. Think how many men and women in the Western states have come from the schools of the East! When Virginia or Massachusetts wishes for any reason to touch the people of the West, she finds her labor made easier by reason of the work done by her children sent to us. The old states have sons and daughters among us—strong men and women —who still love, and are capable of rendering them a service. Missouri is one of the greatest of the Central States, and the greatest of the trans-Mississippi states, and it should be a mighty and influential force in the Republic. If we care to strengthen our hold upon other states, or to increase our influence upon outside public opinion, I am confident no agency will be found more effective than the army of educated men and women we are sending from our schools to take part in the development of other commonwealths.

With reference to the needs and financial support of these institutions, and, for that matter, of all the other institutions, I shall refer your honorable bodies to the reports of the respective boards and chief officers for their estimates. As a rule, I believe that the various recommendations which these officials make would deserve favorable consideration if the finances of the State would justify it. Each board, however, speaks for its own institution, without reference to the needs of other institutions or of the State. But, having in view the sources and probable amount of the State revenue, and taking the whole field into consideration, covering all the institutions and all the requirements of the government, I have, after full consultation with my associates in the executive departments, and in obedience to the mandate of the Constitution, undertaken to make such estimates for these different institutions as will meet what seems to be most urgent, without too far exceeding the probable limits of our income. In making these estimates I have separated the ordinary expenditures from those which may be considered extraordinary or special; and I have thought that it might be useful for the purpose of com-

parison, to accompany each estimate with a statement of the last appropriation.

For the normal schools the following recommendations are made:

1. *Kirksville Normal.*—The appropriations for 1893-4 were:

Ordinary	$25,000
Extraordinary	1,500
Total	$26,500
Recommended for 1895-6—	
Ordinary, for salaries	$25,000
Ordinary repairs	1,000
Total	$26,000
Extraordinary	3,000
Total	$29,000

The sum stated as extraordinary is (a) for the construction of granitoid walks, $2000; (b) for water-mains, $700, and (c) for seating the gallery in the auditorium, $300. All these are considered urgent. The total amount recommended exceeds the last appropriation $2500.

2. *Warrensburg Normal.*—The appropriation for 1893-4 was:

Ordinary, for support	$27,500
Recommended for 1895-6:	
Ordinary, for salaries	$27,500
Ordinary repairs and improvements	2,500
	$30,000

That is an increase of $2500 over the last appropriation. This school is large and prosperous, and the sum recommended is far less than it needs.

3. *Cape Girardeau Normal.*—The appropriations for 1893-4 were:

Ordinary, for salaries	$22,000
Improving grounds	5,000
	$27,000
Recommended for 1895-6:	
For salaries	$22,000
Repairs and improvements	3,000
	$25,000

That is a decrease of $2000 as compared to the last appropriation. The amount for support is the same, but the fund for improvements and repairs is reduced.

LINCOLN INSTITUTE

Lincoln Institute is located at Jefferson City, and was established for the exclusive use of negroes. It was originally intended as a Normal school for the training of colored teachers; but its work has since broadened beyond that scope. True, it has a Normal department, but it also has an Industrial department and other departments. It has become a college for the higher education of colored boys and girls. The Institute is doing good work and should be well supported. I regard it as the duty of the State to afford this class of Missourians the most liberal opportunities for improvement and advancement.

I regret to say that during the month of August, 1894, the main building of the institute was destroyed by a fire resulting from a stroke of lightning. Along with the building, the scientific apparatus and college library were destroyed. This misfortune has greatly embarrassed the school. The Board of Regents and the Faculty have encountered great difficulty in their efforts to carry on the school with the limited facilities remaining, and they deserve the highest credit for the success with which they have

prosecuted the work. The reconstruction of this building will entail a considerable expense on the State. The sum of $10,062.99 of insurance carried on the building has been collected and paid into the State treasury. I think at least $30,000 should be appropriated to construct a new building. That sum will be sufficient to erect a more commodious and imposing structure, and one in every way better adapted to the uses of the institute than the one destroyed. It will construct a building large enough to answer the wants of the school for years to come. If this recommendation should be agreed to, the actual expense to the treasury would be only $20,000, as the insurance money would constitute a part of the appropriation.

The appropriations for 1893-4 were:

Ordinary—salaries, repairs, etc	$25,000
Recommended for 1895-6:	
Ordinary—salaries, etc	$18,000
Industrial department	5,000
Repairs	1,000
	$24,000
Extraordinary, for building (including insurance money)	$30,000
Equipping same	5,000
Heating new and old buildings	4,000
Partly replacing apparatus destroyed by fire	1,000
Partly replacing library destroyed by fire	500
To complete President's house	500
	$41,000

If these recommendations should be agreed to, the appropriation for the Institute made at this time would exceed the last by the sum of $40,000, including the insurance. Although this is quite a considerable sum, I am confident a proper regard for the interests of this important school requires its appropriation.

UNIVERSITY

The crown of our great educational system is the University. We should make it as resplendent as possible. There is nothing within the range of human knowledge that a Missouri boy desires to know that he should not have ample opportunity to learn in the schools of his own State. He should not be required to go abroad to enjoy advantages denied him at home. Our common and high schools are unexcelled, if not unrivaled, by those of any other state. Our University should also be lifted to a plane correspondingly high, and placed in position to compete with any similar institution on the globe. To make such a university, two things at least are primarily needful:

1. The boys of the State must stand by it.
2. The State itself must stand by it, support it with money and administer it with wisdom.

Why should our boys turn from their own State and go to eastern universities or to Europe to be educated? Our University receives no aid of that kind from the East. Why should their schools be built up at the expense and to the detriment of our own? I appeal to the young men of Missouri to rally around the University of their own State; build it, strengthen it, and make it the acknowledged equal of any in the Union. If it is inferior now, if it is deficient in any respect, the young men of Missouri should make it their special duty to discover and apply the remedy. They should do their full part in this great and patriotic work. In no way can they render the State a more important service. They should remember that nothing contributes more to the glory of an American commonwealth than a splendid, successful and famous university. Such institutions may be easily recalled that have done more than any other one thing to make the states in which they are located conspicuous before the world. And the reputation which a great university gives to a state is of that enlightened character that elevates and strengthens it in the esteem of mankind. I have only words of praise for the splendid col-

leges established and maintained throughout the State by the different church organizations or by local enterprise. The young men of Missouri are wise to take advantage of these institutions; but when they go beyond them and seek wider fields of knowledge, they should turn their footsteps to their own University, and not go elsewhere. Thus, they begin on the threshold of manhood to serve and to develop the great State whose affairs, public and commercial, will soon be committed to their hands. But if it is to be expected that our young men will make generous response to this call, the State itself must do its duty.

A great progressive University cannot be created in a day or by a word, nor can it be sustained by alms. It cannot thrive as a mendicant. If it prospers it must have ample means to support it. During the last four years the General Assembly has done fairly well in this behalf. But we cannot stop where we are. If we do not advance we will retrograde. The work to be done is yet far from completion. We must supply the institution with whatever is really necessary, and it should be done as rapidly as the nature of the case will permit. A medical building, gymnasium, green-house, dairy buildings, fish-hatchery and a well-equipped system of dormitories for the accommodation of students, are all absolutely essential to a complete University establishment. They are indispensable. But equally if not more important even than these, is the proper equipment of the buildings already erected. After the plant, so to speak, has been constructed, it would be a wise thing if a good round sum could then be set apart each year for a series of years, for an endowment fund, until at least $2,000,000 was raised thereby. That, added to the present endowment, would raise the total to $3,000,000. The annual interest arising from such a fund would make the University self-sustaining—would put it upon its feet and assure to Missouri a glorious temple of learning commensurate with the dignity of the State and worthy of its greatness.

In this connection it may be of interest to note the endowments and annual incomes of the leading universities

in other states with which ours must come in competition. The endowment of Cornell University amounts to $6,000,000; of Yale, $3,500,000; Harvard, $13,000,000; Columbia, $9,000,000; California, $4,300,000; Chicago, $5,500,000; Texas, $571,000 in money and 2,000,000 acres of land; while the present endowment of the Missouri University amounts to only $1,193,958. The annual incomes of the above named competing universities range from $236,000, received by the University of California, to $987,000, the amount realized by Harvard. The universities of Ohio and Minnesota each have an annual income of $170,000; that of Wisconsin, $260,000, and that of Michigan, $320,000. The permanent annual income of the Missouri University is from two principal sources, namely, interest on State endowments, amounting in round numbers to $61,000, and the congressional endowments of the College of Agriculture and Mechanic Arts, amounting at this date to about $33,000 —the two making a total of $91,000. Only the $61,000 are available, however, for the ordinary support of the University. There are no other sources of revenue, except the small sums paid in the way of contingent fees or tuition, and one or two unimportant, miscellaneous items. Thus it will be seen that, in comparison with those of other great universities, the endowments and the income of the Missouri University are shamefully diminutive.

All these disadvantages cannot, of course, be remedied in a day or a year. They are too numerous to remove by a single stroke. But I am confident you will agree that each succeeding General Assembly should perform its part and do everything possible to advance this great work to a speedy consummation. With a view to the exigencies of the public service in other directions, I regret that I am unable at this time to make such recommendations as are desired by the Board of Curators, or such as the present needs of the institution demand, but I will venture to urge the most liberal appropriations warranted by the condition of the public treasury. A medical building is an immediate and pressing necessity to supply adequate, or even respecta-

ble, accommodations for one of the great departments of the University. That department is now practically out of doors, being housed in an old frame building which is scarcely fit for a barn, is a positive disgrace to the campus, and ought to be removed. To construct a medical building I recommend an appropriation of $40,000. The main building, which will be an ornament to the University and a credit to the State, will be completed during the ensuing summer, and an appropriation to furnish and equip it will be necessary. For general support, including salaries, fuel and the like, an appropriation will also be necessary. No appropriation for this purpose was made by the Thirty-seventh General Assembly, but in lieu thereof nearly $60,000 of back interest due on a part of the endowments were appropriated, as may be seen by reference to the act.

Appropriations for 1893-4:	
For main building	$250,000
For grading, walks, gas-fitting, etc	14,000
For new building at School of Mines	15,000
For equipping same	10,000
Total	$289,000
Recommendations for 1895-6:	
For medical building	$40,000
For mounting and casing State exhibit	3,000
For furnishing and equipping main building	23,500
For general support	60,000
Total	$126,500

The "State exhibit," for the mounting and casing of which an appropriation of $3000 is recommended, consists of the large and valuable collection of ores, woods, fish, birds, etc., exhibited by the State at the World's fair, and which the Thirty-seventh General Assembly directed to be deposited in the University museum. The sum returned by the World's Fair Commissioners to the treasury will be sufficient to pay one-half the expense necessary to properly mount and case it.

AMENDMENTS TO LAWS

Under the direction of the Board of Curators, the Secretary of the Board has prepared a pamphlet showing the defects in the laws relating to the University, and suggesting desirable amendments. I commend this document to your thoughtful notice. I desire especially to call attention to the necessity of amending the law relating to the appointment of cadets to the University. The present statute authorizes Senators and Representatives to appoint these cadets; but no provision is made for their appointment in case of vacancies in the offices of Senator or Representative. In consequence of this, it so happens that at the present time two or three counties, or districts, are without representation at the University. Numerous applications have come to me to fill these vacancies, but I have found myself clearly without authority in the premises. Some amendment to the law should be made.

Apropos to this subject, I suggest the advisability of so amending the act passed by the Thirty-seventh General Assembly, requiring the eleemosynary and penal institutions to deposit their monthly receipts with the State Treasurer, as to make it applicable to the educational institutions supported by the State. The new law has been productive of great good in the administration of the institutions to which it applies, and I see no reason why it should not be extended to the normal schools and the University, and every reason why it should be.

ELEEMOSYNARY INSTITUTIONS

The eleemosynary institutions consist of three insane asylums, located at Fulton, St. Joseph and Nevada; a School for the Deaf and Dumb, at Fulton; a School for the Blind, at St. Louis; the Reform School for Boys, at Boonville, and the Industrial Home for Girls, at Chillicothe. All of these institutions are well managed, and some are exceedingly well managed. They merit, and, I have no doubt, will receive, the fostering care of the State.

1. *Fulton Asylum.*—Appropriations for 1893-4:

Ordinary	$49,000
Extraordinary	7,000
Total	$56,000
Recommended for 1895-6:	
Ordinary	$43,000
Extraordinary	12,000
Total	$55,000

The amount recommended for ordinary expenditures is $6000 less than the amount appropriated two years ago, but is the full sum asked for by the Board of Managers for that purpose. The reasons for the decrease are explained in the report of the Managers, and fully demonstrate what may be accomplished by careful and intelligent administration. Of the $12,000 recommended for extraordinary expenditures, $2000 are for a laundry and $10,000 for remodeling thirteen wards. I am assured that the laundry is much needed, and I know from personal inspection that the wards should be remodeled. They are in the old building, constructed many years ago, and are poorly lighted and ventilated. They are little short of dark and unwholesome prisons. The total amount, ordinary and extraordinary, which I have recommended, is $1000 less than the total amount carried by the last appropriation.

2. *St. Joseph Asylum.*—Appropriations for 1893-4:

Ordinary	$39,500
Extraordinary	11,800
Total	$51,300
Recommended for 1895-6:	
Ordinary	$39,500
Extraordinary	2,000
Total	$41,500

Of the $2000 recommended as extraordinary, $1,000 are for repainting the interior walls of a large number of wards which have become much defaced, and $1000 are for the erection of a green-house. If the whole sum recommended should be appropriated, it would still be $9800 less than the last appropriation—the result of an excellent administration by those in charge.

3. *Nevada Asylum.*—Appropriations for 1893-4:

Ordinary	$51,600
Recommended for 1895-6:	
Ordinary	$51,600
Extraordinary	10,000

This asylum was established under an act of the General Assembly approved March 19, 1885. The main building is one of the finest structures of its kind in the country. Unfortunately, a large amount of the stone used in the building has proved to be utterly worthless. I am informed that this stone was subjected to all the ordinary tests whereby its quality could be determined, but in spite of the reports of experts, time has demonstrated its utter unfitness. Large quantities used for water-tables, window-sills, platforms, etc., are disintegrating and falling to pieces. So rapidly and to such an extent has this disintegration proceeded, that the entire building is in danger. Expert architects and builders have recently examined the structure with a view to determining what it will cost to remove the rotten stone and replace it with sound material. One architect reports that this work of repair will cost about $10,000; another places it at under $2,000; while the contractor who erected the building, an experienced and careful man, estimates that these repairs can be made for about $3000. The absolute necessity, however, of having the work done at once, and the apparent wisdom of having it well done, has induced me to recommend an appropriation of $10,000, or so much thereof as may be necessary. I do this because

of the utter lack of agreement in the estimates made. If the whole amount is not needed it will not be expended; but its appropriation would prevent any possible delay, which might be hazardous, for lack of sufficient means. This asylum is also well conducted, but the fact that it is a new institution, and that its sources of income are less than those of the other asylums, makes it for the present somewhat more expensive to maintain.

4. *School for the Deaf and Dumb.*—Appropriations for 1893-4:

Ordinary	$112,500
Extraordinary	3,225
	$115,725
Recommended for 1895-6:	
Ordinary, support, etc	$113,500
Extraordinary	1,000
	$114,500

The amount recommended as ordinary exceeds the ordinary appropriation made two years ago by $1000, and is for the purpose of employing an additional teacher. The $1000 recommended as extraordinary is for the improvement of the grounds.

5. *School for the Blind.*—Appropriation for 1893-4:

Ordinary, support, etc	$35,000
Ordinary, salaries	24,000
	$59,000
Recommended for 1895-6:	
Ordinary, support, etc	$34,000
Ordinary, salaries	25,000
	$59,000

The amount asked by the Board of Managers, and which I recommend, is in the aggregate the same as that

appropriated by the last General Assembly. The Board, however, for reasons stated in its report, which I approve, and to which I refer your honorable bodies, recommend that $1000 be taken from the support fund and added to the salary fund.

I wish in this connection to call attention to a claim amounting to $2000, presented by the city of St. Louis to the Board of Managers for improvements made on Morgan street in front of this school. The improvements were made under the law providing for a special tax for street reconstruction. The work was well done and no doubt an appropriation should be made to meet the special tax therefor.

I desire, also, especially to direct the attention of your honorable bodies to the recommendation of the Board of Managers with reference to disposing of the property now occupied by this institution, with a view to removing the school to a more eligible site.

Both of these schools provided for the education of the unfortunate children of the State are among our noblest, most beneficent and useful charities, and I commend them to the continued favor of the people's representatives.

6. *Reform School for Boys.*—Appropriation for 1893-4:

Ordinary	$29,000
Extraordinary	6,500
Total	$35,500
Recommended for 1895-6:	
Ordinary	$29,000
Extraordinary	15,000
Total	$44,000

Of the extraordinary appropriation recommended, $6000 are for a new cottage for boys; $2600 are for store-room and cold-storage; $1400 for carpenter and blacksmith machinery, boiler and engine for industrial building; $500 for equipping laundry; $1000 to purchase a brick machine and engine;

$1000 to purchase twenty knitting machines, and $500 for heating the shops. I know that all these improvements are very much desired, and most of them are necessary. The total amount recommended exceeds the total of the last appropriation by $8500.

This school was established under an act passed in 1887, and is doing excellent work. One hundred and seventy-two boys are now confined there. It has been in operation only a few years. During that time it has discharged 225 boys. A special effort is made by the superintendent to keep track of those discharged. He has recently furnished me a report in detail showing the record he has been able to keep of those released. Of the 225 dismissed from the school, 144 are permanently employed, and are doing well; 16 are doing moderately well, 9 are doing badly, although still at liberty; 21 have been sent to prison, and 35 have disappeared, and nothing is known of their whereabouts or of their conduct. These results cannot but commend this excellent institution to universal public favor.

COMMUTED BOYS

In connection with this school, I desire to call the attention of the General Assembly to a matter which has already become an abuse. It is contrary to the statutes of the State to sentence a boy under 16 years of age to the penitentiary. A boy under that age committing a felony, ordinarily punishable by imprisonment in the penitentiary, must be sent to the Reform school, or sentenced to the county jail, in the discretion of the trial judge. In the case of boys between the ages of 16 and 18, it rests in the discretion of the judge whether they shall be sentenced to the penitentiary, or sent to the Reform school. Of one thing I feel quite sure, namely, that it is a rare case when any boy under 18, or even 20, years of age should be sent to the penitentiary. It may be interesting in this connection to state that there are now 323 boys in the penitentiary under 20 years. Unless the crime is unusually heinous, or the criminal

unusually hardened, I regard it as almost inhuman, and a disgrace to our civilization, to sentence a child 16 or 17 years of age to a long service in the penitentiary, where all his surroundings will tend to debase his nature and to confirm him in criminal habits. I think all our circuit judges will agree to this statement; and yet many of them are constantly sentencing children of this kind to the penitentiary. My attention has been called to several instances of children in the penitentiary who claimed to be under 16, and who were able to satisfy me from evidence that they were under that age. In all such cases I have commuted the sentence to confinement in the Reform school. And right here lies the abuse of which I speak: If the trial judge in the first instance orders the confinement of boys in the Reform school, they are sent there at the expense of the county of their residence; but if they are sent to the penitentiary and the Governor commutes the sentence, then they go to the Reform school at the expense of the State, for the reason that no other provision is made in such cases for their support. It has now come to be quite a common practice for trial judges to sentence these lads to the penitentiary, expecting them to be sent to the Reform school by executive order, thereby relieving the counties of their circuits from the burden of maintaining them, and casting it upon the State at large. It needs no argument to prove that the State should support all these boys or none. It is manifestly unfair to those counties having circuit judges who do their duty without seeking to shift the burden of it, to allow a practice by which the legal and just liabilities of other counties, blessed with more provident judges, are added to their own. This reprehensible practice can be broken up by so amending the commutation law as to provide that in cases where the Governor shall commute the sentence of boys from imprisonment in the penitentiary to confinement in the Reform school, they shall be sent there at the expense of the county from which they were sentenced or in which they reside. I commend this subject to your thoughtful consideration.

7. *Industrial Home for Girls.*—Appropriations for 1893-94:

Ordinary	$14,000
Extraordinary	100
	$14,100
Recommended for 1895-96:	
Ordinary	$14,200
Extraordinary	25,600
	$39,800

The $200 recommended increase in the ordinary expenditures is due to the growth of the institution. The items for which the extraordinary appropriation is recommended are as follows: New cottage for girls, $20,000; furnishing and heating same, $5500; fruit trees, $100. The amount recommended would increase the total appropriation over the last by $25,700. The new building is absolutely and immediately necessary if the work is to be continued and the institution made adequate to meet the demands upon it. For some months past the Home has been overcrowded, the number now restrained there being 63. There is no room for a single additional inmate. Girls entitled to the benefits and privileges of the school are constantly being denied entrance thereto because of utter inability to accommodate them.

The school is accomplishing a great work in helping wayward and homeless children along the rough paths they are obliged to tread. This institution was also established by an act passed in 1887. It has been in active operation about five years, and during that time fifteen girls have been discharged therefrom. Two of these remained at the Home only a few days, and were then returned to their respective counties as wholly unfit subjects for admission. Of the remaining thirteen who have been dismissed, only one is known to have turned out badly, although all trace has been lost of two others. They have disappeared and

nothing is known of them. Nine out of the remaining ten are doing well, and the other one is now reported as doing moderately well. Seven of those discharged have since married, and the others are honestly employed.

PENITENTIARY

The penitentiary is perhaps the most difficult of all the State institutions to manage, and furnishes more perplexing problems for solution than any other. Warden Pace has been obliged to confront obstacles of the most harassing description, which have required the greatest care and prudence and the most exacting attention to overcome. Under the circumstances he has every reason to congratulate himself upon what, in justice to him, I denominate the phenomenal success of his administration. The condition of the prison when he received it was such that he was compelled to expend some $13,000 in making repairs, the necessity for which had existed for some time and could not be longer delayed. For the first half of 1893, the receipts of the prison for labor employed under contract made the institution even more than self-sustaining. Then came the panic, which has been so prolonged and disastrous. The men working under contract were employed by companies engaged in different lines of manufacture. Each company doing business at the prison is under contract to employ a minimum number. During the first six months of Warden Pace's administration the shops were run at their full capacity. The contracts then called for 1030 men, but nearly every contractor had a number of extra men at work. At one time during that period the number of men employed in the shops was 1202, which was 172 in excess of the requirements of the contracts.

But the prison manufacturers were affected by the panic in the same way as those on the outside. They found it necessary to curtail the limits of their operations. To such an extent did this go that the number of men actually worked by the contractors fell off from 1202 to 888 during the fall

of 1893, which was 314 men less than the minimum covered by the contracts. It often happened during August, and subsequent months in 1893, and the earlier months of 1894, that scores of men being paid for by the contractors were lying idle in their cells. When the men employed in excess of the contracts were laid off, the loss fell upon the institution; when men contracted for were left in their cells, the loss fell upon the contractors. The direct and palpable effect of the panic on the penitentiary was to decrease the receipts from *$75 to $100 per day. In addition to that, as if that were not enough, the inmates of the prison increased with astonishing rapidity. This increasing number of admissions became noticeable during the fall months of 1893, and has continued almost without intermission ever since. The number of convicts at the penitentiary on January 1, 1893, was 1689. It had grown to 1867 on January 1, 1894, and to 2178 on December 31 of that year. In these two years the number of convicts has increased 29 per cent.

But in spite of decrease in revenue on the one hand, and increase in responsibilities on the other—both of which untoward contingencies were wholly beyond the control of the Warden—he has managed the institution with such remarkably good judgment and skill as to make it almost self-sustaining. During the last two years the penitentiary has cost the tax-payers $25,709.29 for maintenance, exclusive of construction and repairs. But the Warden reports that he now has on hand supplies which cost $4,616.61 that were paid for out of this sum so expended for maintenance. Subtract the cost of these supplies from the $25,709.29 drawn from the treasury for maintenance, and the actual expense to the tax-payers for this purpose during the last two years will be $21,092.68. During the two previous years, 1891-92, even under the extremely economical management of Warden Morrison, the sum of $18,810, also exclusive of repairs, etc., was drawn from the treasury for like support,

*This is an obvious error, but is exactly as printed in the Appendix.

although the prison then contained nearly 500 fewer convicts than now; while for the first two years of Mr. Morrison's administration, 1889-90, the sum of $70,325, exclusive of repairs, was drawn from the treasury for the support of the prison; that is, the expenses incurred for clothing, food, salaries, etc., exceeded the earnings by that amount. And these most gratifying results have been accomplished without any diminution in the sufficiency or quality of the food and clothing furnished the convicts, and without any detriment to the sanitary conditions of the prison; but, on the contrary, the high standard of the institution in these particulars has been not only upheld but advanced.

During the last two years extensive and valuable additions have been made to the penitentiary. The most important of these is the new power plant. The power-house is one of the most complete establishments of the kind in the State. The new boiler-plant located therein can supply sufficient power to operate all the machinery in all the establishments of the penitentiary. A slaughter-house, complete in its appointments and ample for the uses of the prison, has been erected. A third story has been added to one of the buildings occupied by the Giesecke Boot and Shoe Co., thereby adding a new shop 60x180 feet in dimensions. In addition thereto, other extensive improvements and repairs have been made to the buildings, machinery, etc. The aggregate actual cost in money for the improvements made amounts to $50,539.54, which were expended for machinery, hardware, cement, lumber, and the like. All other material used and the labor employed were furnished by the institution itself.

An appropriation of $8000 was made by the last General Assembly for the purpose of purchasing a body of land adjoining the prison, containing about forty acres, and known as the "Minor tract." The property was obtained and has been conveyed to the State at a cost of $7000. This will be a valuable addition to the penitentiary, affording opportunity to enlarge the prison quarries, while the ground

can be used in producing vegetables for consumption, thereby saving a large expense on that account.

IMPROVEMENTS NEEDED

As the business depression incident to the panic disappears, the industries prosecuted at the prison revive. A steady improvement is perceptible, and the future holds out the prospect of a constantly growing prosperity. With the increase in business comes an increasing demand on the part of contractors for additional men. The number of men contracted for and employed on December 31, 1894, was 1030.

The institution is now confronted by two things, which occasion serious embarrassments, namely: the lack of cell-room for convicts, and the lack of sufficient shop-room for the use of contractors. A word of explanation:

First.—The present cell-buildings were constructed with a capacity of accommodating 1604 prisoners. A larger number cannot be admitted to the cells without overcrowding. All the cells are now filled beyond their normal capacity. At present there are 2008 men crowded into them. This is a source of great discomfort to the prisoners, and also greatly endangers their health. But that is not all. Notwithstanding the fact that over 400 more men have been put into the cells than they were constructed to receive, there are still nearly 200 more for whom no cells are provided. About half of the chapel has been converted into a dormitory, where these prisoners are confined at night under guard. The necessity for a new cell-building is imperative. Its construction cannot longer be delayed. Plans for a new building have been prepared by gentlemen familiar with prison architecture, and it is estimated that the construction of a building with proper modern appliances, ample for even immediate demands, will require a cash expenditure of about $100,000.

Second.—All the shops provided for contractors are now occupied. They cannot comfortably accommodate a larger

number of workmen than are now employed therein. A few more have been employed in these shops, but the inconvenience and unwisdom of overcrowding is too manifest for discussion. If it is desirable to extend the contract system, then opportunity must be afforded for utilizing the men. New shops must be built. There are three or four buildings now used by contractors, to each of which a third story might be added. That would no doubt answer the needs of the institution in this behalf for the present and for the immediate future. If these additions are made, it is estimated that they will require a cash outlay of about $25,000. I believe the most feasible thing that could now be done would be to make these improvements. But whether this should be done or an entirely new building erected is a question I submit for your determination.

Of almost equal importance is the necessity for a laundry, storehouse and hospital. It is thought that a new building can be devised in which all these can be combined. To construct a building of this description will necessitate a further expenditure of at least $25,000.

After consultation with the Warden and Inspectors, I feel obliged to recommend the appropriation of at least $200,000, to be used in the construction of new buildings, the support of the institution, and in making ordinary repairs. If $150,000 should be actually used in the construction of new buildings, there would still remain the sum of $50,000 for maintaining the institution. I assume that the experience of the next two years will not be more trying than those of the last two; and if this prediction shall be verified, the sum of $50,000 will be ample to meet any excess above earnings required for ordinary support. I believe it will be found sufficient, unless business conditions become much worse than I anticipate, or some serious calamity overtakes us. I also recommend the usual appropriation of $1000 for the library and to supply reading matter to convicts. I am informed that the Board of Inspectors recommend that the salary of the prison physician be increased from $1200 to $1500 per annum. The large increase in the

number of convicts has added greatly to the labors and responsibilities of that official, and I believe the recommendation of the Inspectors should receive your favorable consideration.

PARDONS

Section 8, article V of the Constitution requires the Governor to report to each General Assembly the number of pardons, commutations, etc., granted during the previous two years, with the reasons therefor. Herewith I shall transmit a statement in detail, made in compliance with the provisions of the Constitution referred to. In a general way, it is sufficient to say that during the biennial period just closed I have granted 107 pardons and 34 commutations, making a total of 141 for the two years and an average of 70½ per year, as follows:

Pardoned on the merits of the application, 17; pardoned that they might be tried for more serious offenses, or to be used as witnesses in important prosecutions, 6; pardoned on the recommendation of the prison physician and inspectors because of dangerous sickness, 38; pardoned solely to restore citizenship in cases where the beneficiaries had been previously discharged from prison, 37; holiday pardons granted in conformity to a custom long established, 9; commutations made to shorten the terms of sentences imposed by the courts, 14; commutations from death to life imprisonment, 5; commutations of the sentences imposed upon children, from the Penitentiary to the Reform school, 15. The Lieutenant-Governor also granted three pardons while temporarily occupying the executive office. For the purposes of comparison, it may not be inappropriate to state that during the two previous years the number of pardons and commutations granted by my honorable predecessor were as follows:

Pardoned from the penitentiary	87
Commutations	79
Pardons to restore citizenship	34
Total	200

BOARD OF PARDONS

Apropos to the subject of pardons, I desire to invite the attention of the General Assembly to the advisability of establishing a board of pardons, or a board of pardons and inspection. The penitentiary has grown to be a stupendous concern, and its magnitude and importance will continue to increase with the growth of the State. There are now fully 1000 applications for pardons pending before me. The pressure from this source is very great. Mothers, wives, daughters, relatives of all degrees, friends and attorneys, are constantly streaming in to press these applications upon executive consideration. Aside from the tremendous and unceasing strain on nervous vitality resulting from the harassing incidents connected with these petitions, a vast amount of time is consumed in giving them attention. Scarcely a day passes that a considerable part of it is not absorbed in this way, and it not unfrequently happens that whole days, sometimes several succeeding days, are taken up almost entirely in listening to applications for clemency. The cares and duties imposed upon the Governor have greatly multiplied in recent years, and important public business is often much delayed by the number and persistency of those who come to importune the Executive for favors to prisoners confined in the penitentiary.

Would it not be well to follow the example set by many of the leading states and establish a Board of Pardons? Under the Constitution the pardoning power is vested in the Governor, and I presume he cannot be divested of it without amending the fundamental law. It is possible that the power to grant absolute pardon cannot be conferred by statute upon a board, but it could be empowered to examine into

cases and to make recommendations. Without attempting to abridge the original power of the Governor himself, he could be authorized to refer applications to the board to be examined and reported upon. In that way the Governor could be relieved from these distressing annoyances, and a vast amount of valuable time now given to these investigations be saved and devoted to public business. On the other hand, fitting opportunity would be afforded prisoners for a more prompt, patient and intelligent examination into meritorious applications for executive relief. I believe that fully 95 per cent of these applications for clemency are without merit, or at least not entitled to serious consideration. I believe there are comparatively few instances in which executive authority is justified in disturbing the judgments of the courts. Solemn judicial sentences should not be vacated except for paramount reasons; but, at the same time, no citizen should be permitted to suffer injustice, even though the mandate under which he is held has the sanction of a court.

I believe there are in the aggregate quite a number of cases which do deserve executive consideration. With 2200 prisoners confined in the penitentiary, of all sexes and of all ages from 16 to three-score and ten, convicted of crimes of all grades and by all classes of testimony, it would be strange if there are not some who are the victims of passion, prejudice, mistake or conspiracy. The duty of passing upon these applications is a trying and delicate one. The man, or men, who can discharge it successfully and in the right spirit, must combine the power of resistance with patience, and the quality of mercy with a high capacity for correct discrimination. I believe a humane and just administration of a great institution like this requires that there should be some one or more connected with it who could properly investigate meritorious applications for clemency, and be clothed with power to relieve in proper cases.

The Board of Pardons could also be made a Board of Inspection for the penitentiary. In that event, it should be vested with adequate powers to make it an important factor

in conducting the affairs of the institution. The present Board of Inspectors—composed of the Auditor, Treasurer and Attorney-General—is possessed of very limited authority, and has practically nothing to do with the administration of the penitentiary. Besides, these gentlemen are necessarily occupied with the duties of their own offices, and have but little time to devote to the work of inspection. The Inspectors should constitute an advisory board, and they should be men familiar with business pursuits, especially with manufacturing pursuits, and should also thoroughly familiarize themselves with the management of large and important prisons. A Board of Inspectors, clothed with adequate powers, and composed of at least two thoroughly experienced business men, having an extensive knowledge and practical idea about manufacturing, and one level-headed lawyer capable of advising while considering questions relating to the duties of the Board, would be of some real use to the institution. The force of these observations is recognized by the present Board of Inspectors. They have stated to me that they would cheerfully surrender the inspectorships they hold and support an effort to establish such a board as I have suggested. I cannot now discuss the subject at greater length, but express the hope that it will receive your thoughtful consideration.

ELECTRIC LIGHTS

Before dismissing the Penitentiary from further notice, there is another subject to which I desire to call attention, although it is one which does not directly concern the prison. The expense to the State for furnishing gas and electric lights to the capitol, supreme court building, armory, capitol grounds and executive mansion is over $3000 per year. The expense for electric lights alone amounts to about $2000 per annum. These interior lights do not run later than 1 o'clock, at which hour the circuit is broken. The light furnished has been poor and extremely unsatisfactory. The incandescent globes, or lamps, purporting to have a

16-candle power, do not, as they are operated at the public buildings, furnish ordinarily a light of more than half that power. Upon inquiry, I have ascertained that a dynamo of the finest and most approved description, capable of supplying 1200 lamps and maintaining a steady light of full 16-candle power, together with engine, wire, poles, and everything necessary to establish a plant to supply the State buildings with adequate light, can be purchased and put in operation for a sum not exceeding $5000. An all-night electric plant is now operated at the penitentiary. A new dynamo and engine for working the plant suggested could be located at the prison and operated in conjunction with the one already there. The same men, and substantially the same power, now used to maintain the penitentiary plant could be used to operate the one proposed. The additional expense would be inconsiderable.

I repeat, all the machinery necessary to establish and operate such a plant can be purchased, the wires put up and the lights set aglow for a sum not exceeding $5000. This is not a matter of conjecture. Warden Pace, aided by Mr. Vance, the electrician at the prison, at my request, has fully investigated the subject. The Warden has corresponded with several leading houses engaged in the business of manufacturing electrical apparatus and in establishing plants of the kind under consideration, and Mr. Vance, who is himself familiar with such matters, has personally interviewed the agent of one of the most prominent of these firms, and from information thus elicited the Warden assures me that he can with $5000, and possibly a less sum, put in all machinery necessary for lighting the public buildings at the capital, and that he can operate the same without any additional expense of consequence. If this should be done the cost of the plant would be returned by the amount saved on account of it within the next two years, and thereafter these buildings would be supplied with far better light than now, practically without expense to the State. I suggest, therefore, that the sum of $5000 be appropriated for this purpose.

IMMIGRATION

I ask your consideration of the propriety of providing agencies and means for properly advertising our wonderful resources, with a view to inducing capital and desirable immigrants to seek investments and homes in our midst. Other states have surpassed us in enterprises of this character, and, with far inferior resources, have kept apace with us in the march of progress. Several times within the last two years I have been invited by the authorities of both Western and Southern states to join with them in movements intended to promote industrial development, but have been unable to respond for lack of means at my disposal for that purpose. A board of immigration is authorized by the present law, but for lack of means it has long since fallen into "innocuous desuetude." Whether it would be advisable to revive this board, or to adopt some more direct and less cumbersone agency, is something for your consideration in the event you should determine to take any action whatever with regard to the subject. In my opinion the sum of $10,000 might be wisely expended in this direction.

BENTON'S STATUE

The old hall of the house of representatives in the national capital has been converted into what is termed "Statuary hall." The room is crowded with noble memories that thrill the hearts of patriotic Americans whenever they stand within its historic walls. Sufficient space has been set apart therein for each state to place the statues of two of their most distinguished men. Most of the states have already placed statues in the spaces reserved for them. Missouri alone, of all the larger states, is without representation. This has been a subject of wonder to thousands of our fellow-citizens residing in other states, as it should be a cause for shame and humiliation to every Missourian. I doubtless under-estimate when I say that every year fully 1,000,000 people march in and out of this hall and view the

stately statues standing there. In Missouri's space there is nothing to catch the eye, but only vacancy to reproach us. Every consideration of honor, pride and interest requires that this disgrace should be terminated. It is incumbent upon the legislatures of the several states to designate those whose statues it is desired should be placed in this hall. I feel safe in saying that every citizen of the State will agree that one of those to be placed there by Missouri is that of Thomas Hart Benton. Whatever difference of opinion you may have as to who should stand as his companion in this company of America's immortal men, I am confident there will be entire agreement that Mr. Benton is at least one of those deserving this honor at our hands. I recommend that the sum of $6500 be appropriated to be used in having this statue made and placed in the hall referred to.

RESUME

The principal object of this communication is now accomplished. Conscious that Senators and Representatives, absorbed with their personal affairs up to the hour of leaving home, come here without accurate information or well-defined ideas of the financial and business affairs of the government in detail, I thought the greatest service I could render you would be to lay these matters before you with such plainness and circumstantiality as would enable you to proceed with your work intelligently and without unnecessary delay. My object, therefore, has been to furnish information and to advise with you on the following subjects:

1. The sources of State revenue.

2. The funds into which it is divided, and the purposes to which they can be applied.

3. The amount of revenue received, and the expenditures made during the last two years.

4. Estimated receipts and expenditures for the ensuing two years.

5. The present condition of the public debt.

6. A brief statement concerning the condition of the several State institutions, with recommendations for appropriations to meet what I estimate to be the immediate and urgent needs of each.

Having done this much, I will close this message without entering upon the discussion of other subjects, although there are many of great importance which must attract our attention. Some of these are subjects, however, which I believe should be separately treated in special communications. Criminal costs, election laws, bank inspection, trusts and corporations, revenue laws (embracing assessments, licenses, etc.), are all subjects of sufficient importance to require separate and careful treatment. They cannot now be adequately discussed without extending this communication beyond a reasonable limit. I shall doubtless take occasion at an early day to submit my views upon these subjects, or some of them, for your consideration.

CESSION TO THE UNITED STATES

I transmit herewith a copy of a communication from the Secretary of War, relating to the cession by this State to the United States of exclusive jurisdiction over certain lands to be used by the general government in connection with the improvement of the Osage river, and also the draft of a bill prepared by him providing for the cession. Congress has appropriated funds for commencing the construction of a lock and dam at or near the mouth of the Osage river, and the United States have secured title to certain parcels of land as a site therefor, but the laws of the United States require that the government thereof shall hold jurisdiction over the sites for all public works before such works can be begun. The bill prepared by the Secretary of War is framed for the purpose of having such jurisdiction ceded to the United States. To prevent any delay in the proposed improvement, which is an important one, I respectfully urge the earliest possible action upon the measure proposed.

UNIFORMITY OF LEGISLATION

I transmit herewith a copy of a communication received from Henry R. Beekman, Esq., president of the New York Commission for Promoting Uniformity of Legislation, and also chairman of the joint conference, embracing the commission so far appointed by other states. It is evident to every man of experience that the utter absence of uniformity in the laws of the several states creates much confusion, is a source of great inconvenience, and often of positive injustice. An intelligent and well-directed movement to remedy this evil and to secure approximate uniformity of legislation should unquestionably receive our approval and support. I submit the matter for your consideration.

RETROSPECTIVE

From a business point of view, the last two years have been characterized by the most trying experiences. In the summer of 1893 a financial panic broke like a storm upon the country. It is not within my province to discuss at this time the causes for this tremendous convulsion. I speak only of its bad effects. These have been protracted and severe. Many of the greatest financial establishments of the Central, Western and Southern states were overthrown. Falling, they brought wide-spread distress upon the country. The large transportation, mining and manufacturing corporations and other industrial associations, found it necessary to suspend or curtail their operations. Business, terribly depressed, has been limping with heavy step. These conditions have provoked repeated, and often angry, controversies between large employers of labor and their workmen. These controversies have related usually to hours of work or wages paid, or to both; and it not unfrequently happened that a struggle, which was purely local at its inception, widened from one exciting cause or another until the industries, and even the good order, of a half dozen or more states became involved. Of this latter kind there were three conspicuous

instances, namely, the so-called Coxey movement, the great coal miners' strike, and the still greater railroad strike led by the American Railway Union. During the progress of these struggles the states round about us in every direction were involved in fierce and riotous tumults by the warring forces. In Pennsylvania, Ohio, Indiana, Illinois, Iowa, Kansas, Colorado, Alabama, and other states, the military power was invoked by public authority, and in nearly all these states there were bloody and fatal conflicts between the strikers and the soldiery.

Throughout these trying ordeals Missouri bore herself with a dignity so conspicuous that it cannot but emphasize the splendid character of our people. As of necessity, the State was more or less affected by the storm raging around us. Missouri is one of the first states of the Union. Upon its soil is one of the largest cities in the Republic, besides other great centers of population. Winding over its hills and along its plains and valleys are 6565 miles of railroad, to operate which about 25,000 men are employed. This is also one of the principal coal mining states, there being over 10,000 men employed in that industry. The general situation here was substantially the same as that in the other large states. Several divisions of the "Coxey army" came into the State, but they were so managed that they passed through and disappeared, almost without attracting public attention to their presence. The movement did not find support with our people. The efforts made by a half-dozen visionary agitators in our large cities to interest workingmen in the crusade were unsuccessful. The motley and incongruous hordes of Coxeyites who swarmed over the country on their way to Washington had among them no contingent from Missouri.

In obedience to a call made by the national officers of the Miners' Union, the coal miners of this State abandoned their shafts and pits. But while the miners and the militia in Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Kansas and Alabama were engaged in open war, and the authority of those states was being strained to the utmost,

the miners of Missouri, under exciting and sometimes exasperating conditions, remained passive and maintained their reputation as patriotic and law-abiding citizens. During the railroad war, while both the militia and the regular army were galloping over many of our neighboring states; while battles were being fought, property destroyed and men slain; while passion was high, excitement intense and tumult universal, no instance of disorder occurred in this State of sufficient magnitude to attract more than a passing notice. Many thousands of men abandoned their posts, and for a few days several railroads were more or less embarrassed because of these local conditions: but it is a well-known fact that the railroads of Missouri were far more affected by what occurred without than within the State. The peace of this great State was scarcely broken. At Moberly, Springfield, Thayer and Birds Point a number of striking employes congregated and sought to obstruct the movement of trains. The roads against which these attempts were made are the Wabash, the Kansas City, Ft. Scott & Memphis and the Iron Mountain. To these points I dispatched one or more members of my staff, to three of them I sent the Assistant Attorney-General, and to one of them I also sent the Superintendent of Insurance, to encourage and aid the local officers in suppressing disorder and preserving the peace. There were no outbreaks, no savage rioting, no destruction of life or property anywhere. The harm done consisted in a temporary obstruction to the transportation of passengers and freight by delaying the movement of trains. But that disorder was soon suppressed, never continuing for more than three or four days. There was some little friction at one or two other points, but so inconsequential as to be unworthy of special mention. Throughout this entire conflict, no instance of disorder occurred which could not be easily controlled by the local constabulary. There was never a time when there was any real need for outside assistance.

Throughout these months of weary, terrible, exasperating controversy, breaking forth now and then into ferocious

and sanguinary conflict, the peace of Missouri was scarcely disturbed. There has been no occasion whatever for the employment of military force. The local officers and the posse comitatus have been found amply able to meet every emergency. Although I greatly lament the misfortune which overtook our sister states, I will not deny the gratification it affords me to again call public attention to the exceptional record made by Missouri, because the contrast is so highly creditable to our people.

It is also safe to say that Missouri suffered as little from the panic in its financial and industrial interests as any other Western or Southern state. As a rule, with only a few exceptions, our large financial and industrial establishments stood unshaken, and maintained their high credit unimpaired in spite of the strain upon them. Our farmers have been blessed with abundant crops, and today their bins and barns are filled to overflowing with the products of the field and meadow. We have had no disasters of flood or fire, no decimating epidemics, no overwhelming calamity, no great misfortune. All this gives reason for congratulation. If peace and plenty could make a happy and contented people, Missouri would have no cause to complain. Every condition necessary to a prosperous community exists in this commonwealth. If our people are discontented, if they are not prosperous, if prevailing conditions are unpropitious, then the cause or causes therefor are general, not local; they relate to national and not to State affairs.

The work you have come to do is interesting and important. Possibly some new legislation along lines not hitherto attempted in this State can be entered upon with profit, but I question whether our code cannot be most improved and the public interests best advanced by careful amendments designed to cure defects in the laws already upon the statute books. But whatever you do I hope will be done with discreet judgment and thoughtful care, and with the single object of promoting the public good. Our personal and party rivalries should be lifted to a high plane. They can find their best expression in the efforts we make

to excel each other in devoted service to the State. Those who bring a high and unselfish patriotism to the discharge of public duty will render the most faithful service to their constituencies and contribute most to the honor and glory of the State. I wish you a pleasant sojourn at the capital and a profitable session of the General Assembly.

WM. J. STONE.

EXTRA SESSION MESSAGE

APRIL 23, 1895

From the Appendix to the Journals of the General Assembly, 1895

Gentlemen of the Senate and House of Representatives:

I have felt it my duty to convene the General Assembly in extraordinary session, to consider several questions of high public importance.

I.

I ask the General Assembly to enact a law governing elections held for the election of public officials in cities having a population of 100,000 and over. The desire for a better law, applicable to such cities, is so universal, and the necessity for it so generally conceded by right-thinking people, that I feel as if I need do little more than submit the subject for your consideration; there is certainly no occasion for an elaborate discussion of it. The residents of St. Louis and Kansas City are impressed with the belief, which, unhappily, is justified by experience, that gross frauds in elections held under the existing law have been and can be committed. Even when this law is administered by the most honest and painstaking officials, it is practically impossible to prevent fraudulent registration and voting on a comparatively large scale. The number of frauds, and the facility with which they may be committed, can, of course, be greatly augmented by the connivance of dishonest officials; but, as I have said, it is extremely difficult, if not practically impossible to so administer the present law as to prevent a large number of fraudulent registrations, and, in consequence, a large number of fraudulent votes.

There is no doubt of the truth of this statement. The necessity of a better law is therefore self-evident. The ballot-box should be guarded with the utmost vigilance

against crime, and be protected, as far as possible, from every description of fraud. Election machinery should be constructed with the sole object of securing a fair and honest election. No patriotic citizen, no honest man, can object to that. Every qualified elector has a right to cast one vote, to be fully protected in the exercise of that right, and to have his ballot honestly counted. The public will, fairly expressed at the polls, should be promptly and implicitly obeyed. To the extent that these plain and familiar truths are departed from, the public right and safety are invaded and our institutions of government imperiled. In my opinion, any man who contests the accuracy of this view, or who acts on a contrary principle, is the slave of partisan passion, or is absolutely dishonest. Those party bosses who seek to control party politics for personal ends, and who stand ready, when there is need, to unite even opposing forces by covert cooperation for mutual gain, are the worst enemies of fair elections. So far as they can they will put obstacles in the way of legislation and of successful administration, and this often with much adroitness, and with much protesting and plausible pretense of fair play. No man who really merits the title of "boss" desires a fair election, for a fair election diminishes his power and interferes with his occupation.

Party advantage should not be sought in the enactment or administration of election laws. There can be no party advantage in the efficient and honest administration of wholesome laws. Any law which, by its terms, affords one individual or party an advantage over another, is a bad law. A perfect law, which will entirely prevent fraud, is, perhaps, impossible, but a law can be enacted which will make fraudulent practices exceedingly difficult and hazardous, and thus minimize the evil. If the gentlemen of the two houses will come to the consideration of this subject, not in a spirit of narrow partisanship, but with the sole desire of advancing the public weal, remembering that whatever their politics they are all Missourians, and should be interested in the honor of the State, there will be no serious

difficulty in reaching a satisfactory result. I express the hope that wise counsel will prevail, and that a law designed wholly to promote the public good may be speedily agreed to.

II.

I ask the General Assembly to enact a law defining the relations between railroad corporations and their employes, and also to define and fix the legal liability between such corporations and their employes for injuries suffered by one employe, as the result of the culpable negligence of another employe, while engaged in the service of the same corporation. Nearly 60 years ago, two servants of an English butcher were riding on a wagon, used by their master in his business, and by reason of some defect in the wagon, or some negligent act of one of the servants, or partly from both causes, the other servant was injured. Suit for damages was instituted by the injured man against his master, and in that case it was held by Lord Abinger, in the Court of Exchequer, that the master was not liable to one servant for injuries received as the result of the negligence of another servant engaged in the same common service, unless the master was himself guilty of negligence in employing or retaining the servant whose negligence caused the injury. From this case sprang the doctrine of the master's exemption from liability for injuries received by one of his servants by reason of the negligence of a fellow-servant. Upon this precedent other cases were decided, until the rule laid down by Lord Abinger has come to be generally accepted as the doctrine of the common law.

This rule of the common law, as administered by the courts, is sweeping in its application. Very few exceptions to the rule have been admitted. It has been broadened in its application until it covers all classes of servants, without regard to the nature of their employment. Whether this rule, as applied to the servants of a master engaged in the simple and purely private business of a butcher, is just, it is needless now to argue. But the difference in condition, and

in the character, purpose and scope of the employment of the servants of an English butcher and those of a great semi-public railway corporation, is so marked and clear as in my mind to separate them and place them on a different footing. How can any just comparison be made between two servants of a butcher, familiar with each other by daily association, acquainted with the simple methods and harmless means employed in the conduct of a business almost wholly free from danger, and the prosecution of which they are ordinarily in contact and in the presence of each other; and the servants of a great railroad corporation, numbering thousands, scattered for hundreds of miles, employed in widely different classes of labor, having no direct connection, and in the main unacquainted with each other, and all, or nearly all, engaged in a work of peculiar hazard? Can any just comparison be made in the condition, responsibility or the nature of the employment between two butcher boys driving a wagon, loaded with tallow, along a public street, and a railway engineer and conductor in control of a train of cars, loaded with human beings, and flying with the speed of a wind along a railroad track? The difference is so complete and emphatic as to make comparison absurd. And ought there to be no difference in the nature and measure of responsibility of such masters as these to their respective servants?

Let me suppose a case: A passenger train starts out of St. Louis at night, encountering a storm so black that the fire-eye of the locomotive seems only to make the darkness visible, and dashes away over hills, along winding valleys, around obscure curves, at a speed of 40 miles an hour, with the engineer at his post, his hand upon the throttle and his eyes watching for any signal of danger, when suddenly there is a jar, a lurch, a crash, and the engineer is buried in the ruin. An incompetent, negligent or vicious switchman has failed to do his duty. By reason of the carelessness, negligence or indifference of this switchman, employed to perform certain duties, the engineer is crushed or burned to death or terribly mutilated. With the employment of

the switchman the engineer had nothing to do; he had no connection with him; he did not even know him. The engineer was in no sense to blame; he had simply discharged his duty to the fullest limit. Under the law of Missouri the engineer would have no legal claim for damages against his employer. Is that right?

Let me suppose the case of a train that should have been side-tracked, but on the contrary, was ordered to proceed, and in consequence of which a collision occurred with terrible effect on trainsmen and passengers. The disaster was due to a dispatcher who misunderstood or was incapable of understanding his orders, or was guilty of some gross negligence. The trainmen were not to blame; they simply obeyed orders and discharged their duty. Should they be denied all right of redress against an employer who takes a man into his service so incompetent or negligent as to precipitate such disasters? It will not do to say that the employer was unaware of the habits or inefficiency of the switchman or dispatcher. It should be his duty to keep himself informed. Passengers injured in such wrecks would have a cause of action. Why should it not be equally the duty of the master to protect its employes in such cases as I have stated?

Disasters of the kind described have occurred. It would not be difficult to multiply instances similar in nature, if not in detail. Such cases illustrate the unreasonable injustice of the harsh rule of the common law, and demonstrate the necessity of some material modification of it. The force of this necessity has been recognized both in England and America.

In England, where the doctrine of exempting the master was first announced, it has been greatly mitigated by statutory enactment, and in its application to servants operating railway trains almost wholly abrogated.

A number of the American states have entirely changed the rule of the common law, in so far as it applies to the employes of railroad corporations. Section 2002 of the Iowa code provides that—

"Every corporation operating a railway shall be liable for all damages sustained by any person, including employes of such corporation, in consequence of the neglect of agents, or by any mismanagement of the engineers or other employes of the corporation, and in consequence of the willful wrongs, whether of commission or omission, of such agents, engineers or other employes, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed. And no contract which restricts such liability shall be legal or binding."

Laws of similar import, and more or less comprehensive, in the different states, have been enacted in Georgia, Wisconsin, Kansas, Florida, Massachusetts, Minnesota, Montana, Wyoming and others. In Mississippi the new and better doctrine was incorporated in the constitution adopted in 1890. The 193d section of that instrument provides that "Every employe of any railroad corporation shall have the same right and remedies for any injuries suffered by him from the act or omission of said corporation or its employes, as are allowed by law to other persons, not employes," etc.

When the necessity of a more humane and enlightened rule—one more in harmony with the altered conditions of our later civilization—is being so generally recognized, both in our own country and abroad, why should Missouri stand obstinate in the path of progress, and cling stubbornly to an ancient precedent which is fast coming under the ban of universal disapproval? Why should not Missouri enact a law for the proper protection of the 25,000 men employed in operating the railroads of this State? Why should Missouri postpone to the very last, much less deny, any modification of a rule, unjust in itself, which never had legislative sanction, but exists purely as the creation of judicial precedent, and which stands almost universally condemned by public opinion?

I venture to assert that there are not ten men in a thousand who would conscientiously deny that a right of action should exist in such cases as I have above described. Why then do we persist in perpetuating a rule of law which

shuts the door of the court-room in the face of men who have suffered injuries for which, in all good conscience and fairness, as a matter of wise public policy and simple justice, they should have redress?

I will not say, for I do not so believe, that there is no man honestly and conscientiously opposed on principle to a measure of the kind in question. It would be difficult to propose any important measure of legislation or public policy which would be free from criticism or opposition from all quarters; and there are some men, often some very good men, so constituted that their natural sphere is one of opposition. But this I say, without fear of serious contradiction, that a statute of the character proposed could be easily enacted, if the tremendous influences of the railroad corporations were not concentrated in constant and active opposition.

Is there one to doubt that such a law would find a place on the statute books if that opposition did not exist? And why do the corporations oppose it? Only because it would result in increasing to some extent their own pecuniary liabilities. I know of no other reason for their opposition. But exemptions from pecuniary liability in this behalf is in itself the denial of a right to others which should not be denied. Considerations of that character cannot justify the maintenance of a rule of law which, if not wrong in its inception, has been so widened in the scope of its application that manifest injustice is now frequently done under its operation? I would not do the least injustice to railroad corporations. But they should do justice themselves; they should not seek an advantage, nor strive to avoid just responsibilities. Especially should they not resort to vicious or improper means to perpetuate an advantage that ought not to exist at all. In view of the premises, I confidently appeal to the General Assembly to enact a just and liberal measure of legislation on this subject, while at the same time I urge the necessity of exercising every possible care in its preparation, so as to prevent any abuse of its provisions.

I may be pardoned for adverting at this juncture to a contention put forth since my proclamation convening the General Assembly, to the effect that while the Governor may submit any given subject of legislation at a special session, he can only do so in general terms and cannot, in anywise, limit the extent to which the General Assembly may go when it comes to deal with that subject. From that premise it is contended that when the Legislature is called for the purpose of defining by law the relations and liabilities which should exist between railroad corporations and their employes, that call authorizes the law-making power, under the constitution, to take jurisdiction of the whole field of fellow-servant legislation, and to embrace in their enactments all other classes of employers and employes.

The language of the Constitution is as follows:

"The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than those specially designated in the proclamation by which the session is called, or recommended by special message to its consideration by the Governor after it shall have been convened."

The subject "specially designated" in the proclamation is to define the relations between railroad corporations and their employes, and to fix the legal liability of such corporations for an injury done to one employe by the negligence of another employe. Railroads are semi-public corporations, engaged in a semi-public business, and their servants are subject to peculiar and extraordinary dangers in the prosecution of a service in which the public, in one sense, is as much concerned as are the corporate masters in another sense. I am unable to perceive any possible similarity or logical connection between such corporations and a private corporation or individual engaged in mining or manufacturing or other purely private pursuit. But however that may be, I still submit, with due respect, that the language of the Constitution is so simple, concise and plain that it cannot be misunderstood, and that any effort to construe it can only result in confusion.

One of the subjects "specially designated" in the proclamation is "to make an appropriation for the expenses of this extra session of the General Assembly." Does this authorize the General Assembly to take possession of the whole field of appropriations? Would the limited authority conferred by the call to appropriate money to pay the expenses of this session authorize an appropriation to construct a public building or for any other purpose? I do not believe that the contention referred to is well founded. Who makes this contention? Who desires a larger field to work in? Who is especially solicitous to embrace every master and servant? Other employers are not knocking for admission or clamoring to be taken in. Other servants, although willing to share in the benefits of such a law, have, through their industrial organizations, expressed an unwillingness to interfere in the consideration and passage of the measure specially submitted.

Who then are the ardent advocates of opening the door to all employments. So far as I have observed, this contention has proceeded from railroad circles. At all events, whoever else may incline to favor a "general law," the agents and lawyers of the railroads are the special advocates of that policy. But how does the inclusion of other servants and masters in a bill or law benefit the railroad corporations? What practical difference does it make to them? Do railroad attorneys make this contention as philanthropists in the interest of humanity, or in the hope that by enlisting a multitude of opposing interests they will be the better able to defeat all legislation? Is not this movement merely an exploit for recruits? But some have said that to confine the operation of a so-called fellow-servants' bill to railroad corporations and their employes is class legislation. Might not the same thing be said with equal force concerning the laws enacted in the interest of miners? Of the law for factory inspection? of the law giving preferred liens to mechanics, landlords, etc. or the law providing that no property shall be exempt from execution for wages due a house servant or common laborer? Are not the statutes replete with so-called

"class legislation?" Why should there be any especial sensitiveness on that subject at this particular juncture?

Railroads, as I have said, are semi-public corporations. In this respect they are different from almost all other corporations. They are clothed by law with peculiar and extraordinary powers, rights and privileges. They are employed in the public business, and deal daily with the people of the State. There are strong reasons, founded in public policy, aside from any abstract question of right, why the servants of such corporations should receive the recognition they ask. These reasons have influenced legislative thought in England and in many American states, where laws of this kind specially applicable to railway employes have been enacted. In my opinion the various objections urged against the proposed legislation are wholly untenable. So firmly am I of this opinion, that I am unwilling to believe that a Missouri General Assembly will refuse to pass a liberal law on the lines proposed, when opportunity is given for a fair consideration of the subject.

III.

I ask the General Assembly to enact a law to sustain, and, if possible, to suppress the practice of lobbying, which has grown into an alarming evil at the capital. It has come to pass that certain railroads maintain an organized lobby at the State capital during the sessions of the General Assembly. This practice has prevailed for a number of years. It is maintained ostensibly for the purpose of "protecting" the interests of railroads against the assaults of the people's representatives.

In the prosecution of this service the lobby agents of these corporations have assumed that every measure which looks to the regulation or control of railroads, or by which they are affected, is an "attack" upon them. This is an insult to the people of the State, for it assumed that they are viciously disposed, and that they are incapable of administering, or unwilling to administer, public affairs in

the spirit of right, honor and justice, and that it is necessary for the railroads to resort to extraordinary agencies to protect themselves against the hostility of the very sovereignty which created them.

Because the people of the State do now and then deem it wise and provident to enact some law to prevent abuses, and for the better government of such corporations, they are regarded as enemies, and every proposal to enact such a law is resented as a declaration of war. And so to "protect" themselves against the people who created and support them, the corporations organize a band of crafty "diplomats," a coterie of skillful manipulators in the art of lobbying, and maintain them at the capitol of the State. These corporate agents, employed to influence public officials, have grown in numbers and audacity until they have become a positive nuisance, a menace and a disgrace to the State. Not only do they interfere in legislation which refers exclusively to railroads, but they do not hesitate to thrust themselves officiously into important measures which relate wholly to other subjects. The bad and long-continued example of the railroad lobby has become infectious. Others have fallen under its pernicious influence, until now the agents of more than one special interest are kept at the capitol to "protect" their employers against the representatives of the people. About the streets and hotels they are ubiquitous; they swarm in the corridors of the capitol; they frequent committee rooms and public offices, and are almost as familiar to the halls of legislation as those entitled to seats by virtue of their commissions.

This practice is demoralizing in the extreme, if nothing more, and every consideration of honor, decency and good government requires that it should be stopped. The railroads themselves should be the first to put an end to this miserable practice of organized professional lobbying, which they inaugurated, and for the growth and continuance of which they are chiefly responsible. I protest that they should not persist in a practice that brings only reproach upon the State. The people are not hostile to railroads,

but quite the contrary. Whatever prejudice may exist is chiefly the result of injudicious policies adopted and persisted in by the roads themselves. Railroads are necessary to the well-being of the State. They are great enterprises, requiring large investments of capital, and in the successful operation of which the highest intelligence and the most exacting attention are demanded. Any causeless prejudice against them is stupid and contemptible; any unreasonable hostility toward them would be the height of folly.

If railroads will simply attend to their legitimate business and do right, I have the utmost confidence in the belief that they would have nothing to fear. It seems clear to me that the interests of these great corporations can be best promoted by methods that tend to elevate, not to lower, the standard of public administration. They ought to be the very last to introduce practices that exercise a corrupting or demoralizing influence on public affairs. But in any event, the arrogance of the lobby should be restrained by putting some severe check upon its constant, impertinent interference in legislation.

The right of any citizen to be heard in a proper way before a committee of the Legislature, or before any executive officer or body, is one that cannot and ought not be denied. A fair and intelligent presentation of the views of those having interests at stake, so far from being forbidden, should be invited. But a band of lobbyists organized and maintained as a permanent institution, to hang about public offices and the halls of legislation, with the sole object of interfering with public affairs, and with authority to use any means however questionable to promote their ends, is altogether another thing. That kind of thing is wrong, wholly and irretrievably wrong. This evil of professional lobbying has invaded other states as well as Missouri, and scandals of the most disgraceful character have frequently occurred.

The necessity of exercising public authority to lessen, and if possible to suppress, the evil has been very generally recognized. Particularly have the old commonwealths of

Massachusetts and Virginia, representing the best types of the Puritan and the Cavalier, struck a blow at this vice which Missouri would do well to imitate. It is unnecessary that I should say more at this time. The subject does not require further elaboration, for the evil to which I direct attention is so patent, so glaring, so pronounced, and has been so generally observed and commented upon, that nothing I can say could make plainer or more imperative the necessity of devising some adequate means of ridding the State of its debasing influence.

To these several subjects I have the honor to invite the careful and considerate attention of the General Assembly, and since two of them have been already considered at great length and exhaustively discussed, both in committee and in the House and Senate, I indulge the hope that you may be able to reach an agreement without serious difficulty or much delay.

WM. J. STONE.

SECOND BIENNIAL MESSAGE

JANUARY 8, 1897

From the Appendix to the Journals of the General Assembly, 1897

Gentlemen of the Thirty-ninth General Assembly:

As the administration of which I have been a part is now near to its close it is due that I should render at least a brief account of what has been accomplished.

The Constitution provides that whenever the taxable valuations of the State shall amount to $900,000,000 the rate of taxation levied for State revenue purposes shall not exceed 15 cents on the one hundred dollars. Just preceding the beginning of this administration in 1893 the total valuations of the State were raised from a few millions below the nine hundred million mark to a few millions above it. Prior to that the State revenue tax amounted to 20 cents on the one hundred dollars. The effect of raising the valuations above $900,000,000 was to reduce the revenue tax from 20 cents to 15 cents on the hundred dollars. This resulted in a loss of one-fourth of the State revenue. The increase which in the first instance carried the aggregate valuations above $900,000,000 was so insignificant as compared to the valuations of the previous year that it amounted to practically nothing in the way of compensating for the loss sustained by the reduction in the tax rate. The effect of this can be better understood when it is known that this reduction decreased the annual revenue about $500,000. The valuations have increased somewhat by natural accretion and development during the last four years, about $100,000,000 of values having been added since 1893. This increase would no doubt have been much larger except for the protracted and universal business depression under which the country has suffered—a depression which has operated to greatly reduce the market prices of almost every

class of property. The tax gathered from the increased valuations since 1893 has not been sufficient to replace more than a small proportion of the immense loss of revenue sustained by the reduction in the tax rate to which I have alluded. Ordinarily one would suppose that as the population and public necessities of a state increase, its revenues should increase in a corresponding ratio; but, anomalous as it may seem, this administration at the very beginning of its career was confronted by the necessity of administering the affairs of a State, constantly and rapidly growing in population and the requirements of the public service, with a largely diminished treasury. During this period we have often been hard pressed to meet the demands authorized by legislative appropriations; but I am happy to say that with very few exceptions we have been able promptly to discharge every legitimate obligation, and wherever deficiencies of any consequence have occurred they have grown out of appropriations over which the State officials have had no direct control. The total deficiencies for the current biennial period will amount to $305,467. Of this sum $256,500 are covered by a deficiency in the appropriation made to pay the criminal costs of the State, and $41,344 in the appropriation made for the assessing and collecting of the revenue; leaving but $6,623 of deficiencies arising from all other sources. The Treasury is now prepared to meet any lawful demands that may be made against it, and at the end of the current revenue year it will have a substantial balance to its credit. None of the deficiencies can be paid out of this balance, however, as no money can be withdrawn except in pursuance of an appropriation; and deficiencies result, as you know, only when appropriations have been exhausted. Although we have encountered many difficulties and have been compelled to resort to every legitimate expedient to escape embarrassment, I am pleased to report that we have succeeded in meeting the appropriations, and the Treasury will be delivered to the incoming administration in a solvent condition, with the credit of the State unimpaired.

DEBT REDUCTION

On January 1, 1893, the bonded debt of the State amounted to $6,680,000. It consisted of $1,380,000 of 6 per cent bonds and $5,300,000 of 3½ per cent option bonds. During this administration, besides promptly paying the interest as it matured, the whole of the 6 per cent bonds have been paid, and $300,000 of the 3½ per cents have been called and retired—making a total reduction in the principal of the debt of $1,680,000. The bonded debt now consists of even $5,000,000 of 3½ per cents option bonds. The annual interest on the bonded debt as it stood in January, 1893, was $268,300; while the annual interest charge on the debt as it stands to-day is only $175,000—being a total saving on this account of $98,300 per annum.

As the principal of the debt is reduced from year to year, it will require less and less of the tax specially levied to meet the debt to pay interest, and more and more of that fund will be available for the retirement of the principal. If the property valuations of the State remain substantially as they now are and the present rate of taxation is continued, the incoming administration, according to my calculation, will be able to pay nearly $4,000,000 of the principal debt in the next four years, leaving the total bonded debt at that time at about $1,000,000. That can easily be retired during the first year of the succeeding administration. So it can be confidently asserted that, even though there shall be no material change for the better in business and financial conditions, the State will be free from a bonded debt within five years from this date. If, happily, the country shall be blessed in the meantime with a restoration of prosperity, a consummation often promised but still deferred, and yet one we all devoutly wish for—valuations would of necessity greatly increase, and the larger collections resulting therefrom might enable the next incoming administration to turn the State over to its successor practically, if not wholly, relieved of a bonded debt. At all events, we have now reached a point where we can safely set a limit within which

the public debt will be extinguished. When that much to be desired result is accomplished the tax now levied to meet the bonded debt will cease and the public burden be lightened to that extent.

PUBLIC INSTITUTIONS

Notwithstanding the severe stringency of the times the public institutions of the State have not only been kept up to the high point of efficiency they had previously attained, but they have made substantial progress in many important particulars. During the last four years the main building of the University, known as Academic Hall—a superb structure—has been erected at a cost of $250,000. At the School of Mines a new edifice, known as the Metallurgical Laboratory, has been constructed and well equipped at a cost of $25,000, and valuable additions have been made to the college grounds. A new science building has been added to the Warrensburg Normal; the main building of Lincoln Institute, which was destroyed by fire, has been rebuilt on a far more imposing scale; two new buildings—one 76 x 86 feet, and one 40 x 60 feet—and a green house 26 x 100 feet, and also a building for employes, with a large store room attached, have been erected at the St. Joseph asylum, and 110 acres added to the grounds; one new cottage or family building, and one new school building have been built at the Industrial Home for Girls; a new cottage for boys, a new dining hall and chapel, a large shop building, a large brick barn, a new bakery, a large store room with cold storage, and a new ice house of 500 tons have been built at the Reform School for Boys; a magnificent new boiler plant, with four large boilers, which now furnishes steam-power for all shops and factories and heats all buildings; one large four-story brick building, the lower story of which is used for a laundry and the three upper stories for shops by contractors; one large three-story cell building, not yet quite complete, equipped with the best modern improvements, and capable of accommodating 528 prisoners; one large slaughter house, with cold storage, and the whole

thoroughly well provided with the latest improvements, have all been added to the penitentiary, together with 40 acres of valuable land adjoining the prison, known as the "Minor tract." In addition to the foregoing other important and valuable improvements have been made to these and the other public institutions of the State. During these four years nearly $800,000 have been expended in additions and repairs to the penal, eleemosynary and educational establishments of the State. This sum, however, does not by any means represent the full value of the improvements, as the buildings erected at the penitentiary and the reform school were largely constructed out of materials furnished by those institutions and almost wholly by prison labor. Because of the financial stress we have sometimes found it difficult to provide the money necessary to make these improvements. None were made that were not deemed imperatively essential to the public service, while many others, earnestly demanded and the need of which was almost as urgent, have been denied for the lack of means to supply them.

INCREASE NUMBER OF INMATES

The strain on the Treasury has been made all the more severe by reason of the large increase in the number of inmates admitted to the penal and eleemosynary institutions. The full force of this statement will appear by reference to the following table, showing (a) the number of the inmates of these institutions on January 1, 1893, (b) the number now, (c) the number increased (d) and the per cent of increase:

PENAL

Institution.	Number inmates Jan. 1, 1893.	Number inmates Jan. 1, 1897.	Number increased.	Per cent increase.
Penitentiary..... ..	1,689	2,170	481	About 30%
Industrial Home for Girls	38	83	50	Over 150%
Reform School for Boys.	144	320	176	Over 122%

ELEEMOSYNARY

Institution.	Number inmates Jan. 1, 1893.	Number inmates Jan. 1, 1897.	Number increased.	Per cent increase.
Fulton asylum..	529	647	118	Over 22%
St. Joseph asylum.....	613	816	203	Over 33%
Nevada asylum.....	379	582	203	Over 53%
School for the Blind....	98	111	13	Over 13%
School for Deaf and Dumb.....	284	347	163	About 58%
Total in all.....	3,769	5,076	1,307	Over 34%

This large increase in the number of persons admitted to these institutions has filled most of them to their maximum capacity, and the administration has been at times greatly embarrassed on that account. But notwithstanding all drawbacks I am gratified that I am able to state that all the public institutions of all kinds are in excellent condition—most of them in far better condition than they have been for many years.

PUBLIC ORDER, ETC.

In January, 1895, at the convening of the 38th General Assembly, in my annual message of that date, I took occasion to review the occurrences of the preceding two years, constituting the first half of this administration. Those were troublous years in the United States. They stand almost unparalleled in our history for the number and frequency, the wide extent and vehement purpose, of the industrial upheavals that shook the country. During that period we had the "Coxey movement," the great coal strike, the greater railroad strike under the leadership of the American Railway Union, and numerous other strikes of less importance, but scarcely less significance. To preserve the public peace and for the protection of life and

property the authorities of a dozen states surrounding Missouri in every direction found it necessary to call out their military forces; and in some of the states even the army of the United States was employed—although I have always thought and contended that that action on the part of the National Government was unnecessary and could not be justified except under the most latitudinarian construction of the Federal Constitution. Not only were the states referred to converted into great military camps, but they were the theatre of frequent scenes of tumult and sanguinary conflicts. Although Missouri had several large cities within her borders; although she had 25,000 men employed in operating her railroads, and 10,000 in operating her coal mines; and although she occupied the very center of the region where the storm raged the fiercest, she stood, if not serene, at least comparatively unmoved amid shocks that strained the powers of her sister states to their utmost limits. In this commonwealth there were no lawless disturbances except at three or four points, and those of little moment and of short duration. No lives were lost, no blood was spilled, no property destroyed, and not a soldier was put into the field. While entirely prepared to employ extraordinary force if necessary, we preferred to rely on the civil authority to maintain the peace—and we were happy to find that authority sufficient for every emergency. No man more than I appreciates the importance, or more earnestly advocates the maintenance of a thoroughly disciplined and well-equipped military organization; it is a great conservative force, and is necessary in all large communities to meet extraordinary emergencies; but I am utterly opposed to an indiscriminate or hasty use of the military power in civil affairs. I believe it will rarely happen in this country that the civil officers and the *posse comitatus* will not be able to preserve order and protect the rights of all. Our people should not be accustomed to the habit of using or relying upon the military. Such a habit tends to destroy the self-reliance and independence of the citizen, to unduly exalt the military and to diminish the dignity of

the civil authority. The frequent use of military force accustoms the people to its presence and begets a growing disposition to rely upon it. Whenever the disposition to depend upon the bayonets of the army for protection becomes fixed in the minds of the people, we will have reached a point full of danger to our institutions and to liberty itself. I infinitely prefer a policy which will preserve that rugged manhood and sense of self-reliance which teaches the people that they are abundantly able to take care of themselves. I believe, generally speaking, that the people of Missouri are inspired by that spirit of patriotic independence to which I refer; and to its presence here, in a form so pronounced, I chiefly attribute our comparative escape from those lawless outbreaks that have so afflicted other communities.

During the biennial period, 1895-6, now just closed, nothing of unusual import has occurred. The population of the State has been greatly augmented by immigration. It is impossible to state the number of persons who have moved into the State during the last two years or the last four years. It is well known, however, that during these years large numbers of immigrants have settled in the State. They have located in every section, although by far the greater number have gone into the Southern counties and into the city of St. Louis. Large areas of hitherto unoccupied lands have been taken up and converted into farms and orchards; and the population of St. Louis has grown from a city of 451,770 in 1890 to a city fairly estimated at 700,000 at this time. The census of 1890 gave the population of the State at 2,679,184. Based on the presidential vote of 1892, reckoning five inhabitants to one voter, the population was then estimated at 2,702,915. The presidential vote of 1896 exceeded that of 1892 by 133,450; and calculating from the same basis, of five to one, this vote will show an increase in population since 1892 of 667,250. The population of the State is now estimated at 3,370,165. The wealth of the State has also been largely increased by importation, investment and improvement of

property. During the whole period under consideration 312 miles of railroad have been laid, many valuable mines discovered and opened up, a large number of costly buildings have been erected in our principal cities, and a multitude of other valuable improvements made—improvements which add greatly to our aggregate wealth and serve to meet the growing demands of our commerce and business. These improvements—these substantial evidences of progress—made in the face of the most adverse conditions, not only prove the enterprising spirit of our people, but they stand, many of them, as real adornments to the State. In the last two years production in all the principal industries has been abundant, and the business affairs of the people have gone steadily along without interruption from any cause. There have been no upheavals, no turbulent commotions, no excessive or unusual violations of law to mar the public peace. The local conditions within the State have in all respects been favorable to the highest measure of prosperity; and if the people have not enjoyed that degree of good fortune which the circumstances about them would seem to warrant, the failure is due to causes not created by them or in anywise connected with the government of the State, but is due to causes which our people alone cannot remedy.

TRAIN ROBBING, ETC.

While all I have said above about good order is true I do not mean to say that crime has become less frequent than formerly. I believe it is true in Missouri, as it is equally true in all the states, that crimes committed for gain—such as larceny, burglary and the like—have been increasing for several years. The growing length of the Criminal Court dockets and the rapid increase in the number of convicts sent to penal institutions, furnish conclusive proof that the number of crimes committed becomes greater every year. This is doubtless largely due to the severe and long protracted depression in business and the consequent lack of employment. No doubt want has driven many to

crime. I fear there are unfortunates who are often confronted with the hard alternative of choosing between theft and starvation. Especially is this true in the larger cities. In times of great depression, when work is scarce and difficult to obtain, thousands of needy people drift into the large cities hoping to find better opportunities for employment. In this they are usually disappointed. Indeed this influx only accentuates conditions already bad by adding to the number of idle hands and making it all the more difficult for the kindly and charitable to care for those in need. Necessity then becomes the mother of crime. Besides it is but natural that the evil disposed—those constituting the criminal classes—should seek the city rather than the country to do their pilfering. Therefore it is that the proportion of crimes committed in cities is relatively larger than those committed in rural communities. It has been said that during the last two or three months of the last year there was an unusual number of criminals in St. Louis and an unusual number of crimes committed. That may be true; but if so the presence of criminals there in larger numbers than usual is no doubt due in part to the fact that several National conventions were held in that city during the past summer. Large gatherings of that character attract that class of criminals who commit thefts, burglaries and robberies—the kind of crimes prevalent in St. Louis during the period indicated, and of which some complaint has been made. Undoubtedly during that period a large number of burglaries, thefts and like crimes were committed in St. Louis, but that there was any material increase in the number of crimes as compared to corresponding periods in former years the police officials deny. However that may be it is indisputable that a large number of criminals have infested St. Louis and a great number of burglaries, larcenies, etc., have been committed, but the same thing can be said with equal truth of all the principal cities of the country. The newspapers of Chicago, Cincinnati, Philadelphia, New York and other great centers have been filled with stories of criminal depredations and criticisms of the

police. As to St. Louis, it is unquestionably true that the number of police officers employed is grossly inadequate to a proper protection of the city. It is by far the smallest force doing police duty in any of the large cities of the Union. The population of St. Louis is about one-half that of Chicago, but the police force of St. Louis is only about one-fourth the size of that of Chicago. The territory to be patrolled in St. Louis is as large as that of New York, but the force employed is less than one-sixth the size of that which guards the Eastern Metropolis. The same situation is relatively true when comparison is made with the other leading cities of the country. The police commissioners of St. Louis have made repeated efforts to have the force increased, but so far the legislative council for some reason has declined to provide the means necessary for the employment of additional men. Again, it is most unfortunate that some of the minor judicial functionaries, before whom persons arrested by the police are usually brought in the first instance, have not co-operated with the police in their efforts to preserve order and punish crime, but on the contrary have manifested an unaccountable spirit of hostility to these officers of the law. Notwithstanding all these embarrassments, crime is now perceptibly diminishing in the city, and the brief period when depredations were sufficiently numerous to attract more than ordinary attention is apparently at an end. As a general rule the subordinate executive officers of the State, both in and out of the cities, have been faithful and efficient. Speedy arrest has generally followed the commission of crime, and the courts have usually inflicted punishment with certainty and promptitude.

In this connection I desire to call special attention to the crime of train robbery. During the last three years several of these crimes have been committed. Trains have been stopped and express cars rifled, and on one occasion a conductor was shot and seriously wounded. I care neither more nor less for railroads and express companies than for other corporations or citizens, but the crime is one which

calls for more than ordinary attention, and the necessity for its suppression is so great that it should be visited by the most extreme punishment. It is a crime perpetrated by masked desperadoes, who go prepared to commit murder if it is necessary either to success or escape. Not only are those in charge of trains subjected to great hazard, but the lives of passengers—women and children as well as men—are put in jeopardy. It is a crime which for reckless desperation and bold defiance of law stands almost without a parallel. It surpasses all others in its detrimental effect on the State. When such crimes occur with frequency, an impression becomes widely current that life and property are unsafe within the jurisdiction where they prevail. It is a crime which should be absolutely extirpated. That cannot be accomplished by penitentiary sentences. The Thirty-eighth General Assembly, alive to the importance of the subject, made the crime a capital offense. The infliction of capital punishment, however, was left to the discretion of the jury. Several convictions have been had since the enactment of the law referred to, but only penitentiary sentences were pronounced. In my opinion the men who perpetrate this crime should be hung, and I believe the law should be so amended as to provide that every person convicted of it should suffer death. The Governor should also be authorized to offer a reward of at least one thousand dollars for the arrest and conviction of any person guilty of the offense. The measure I propose is severe, but this crime should not be permitted in the State, and milder remedies will not be sufficient to prevent it.

FUTURE ESTIMATES.

I turn now from this review of the past to the consideration of questions which concern the future.

With the Governor-elect and Auditor Seibert I have made careful estimates of the treasury resources and liabilities for the ensuing two years. I will not detain you with a detailed statement of these estimates, as they will appear

fully in the Auditor's report. I shall deal only with aggregates. We have estimated the total revenues for the next two years at $4,300,000. This covers all sources now provided by law from which revenue can be derived. It does not, of course, include the special tax levied to meet the public debt, but does embrace all sources of income available for general purposes. The expenditures we have estimated at $4,500,000. This estimate places the expenditures at some $200,000 above the probable receipts. I do not believe that the public service can be maintained with even tolerable efficiency on appropriations falling below the estimates we have made. Indeed, these estimates have been made so conservatively that I fear you will find it difficult, if not impossible, to keep within the limits they prescribe; and even if you succeed in doing that several of the State institutions will still have far less than they need and ought to be provided with. As I have shown already many of the eleemosynary and penal institutions are now full to overflowing, and further provision for those entitled to admission to those establishments cannot be much longer postponed. No provision for this emergency, however, is contemplated in the estimates we have made. Again, the estimates for the University and Normal schools are, in our judgments, far below their real requirements. The estimates have not been based, as such estimates ought to be, on the needs of the public service, but they represent what we regard as the best possible apportionment of an insufficient revenue. The situation is still further embarrassed by the probable fact that your honorable body may desire to provide additional agencies with a view to improving the administration of the government, and thereby creating additional sources of outlay. So far our revenue has been equal to our appropriations, and almost, if not quite, equal to our expenditures. But the fast accumulating needs of the State have now brought us to a point where it is evident that some plan must be devised for relieving the strain on the treasury. How can this best be done? The rate of general taxation cannot be

raised—it being already at the highest point permitted by the Constitution. Therefore, if relief is sought it must be (1), by raising the valuations of property; (2) by providing some entirely new source or sources of revenue in the form of special or license taxes; (3), by providing a different plan from that heretofore followed of distributing the existing revenue; or, (4), by cutting off or reducing some of the ordinary demands against the treasury. As to the first and second of these I shall not in this communication attempt any recommendations, although I think there are several avenues to relief that might be fairly opened in these directions. With regard to the third proposition I desire to make one or two suggestions. First, I believe the whole tax paid by foreign insurance companies should be retained by the State. Under the present law the whole tax is paid into the State treasury, but one-half of it is afterwards distributed to the counties. The apportionment to the counties is made on the basis of the number of school children in each, although the money does not go into the school fund. The total foreign insurance tax received in 1895-6 amounted to $433,803. Of this the sum of $216,-905.50, being one-half of the whole, was distributed as indicated above. The amount received each year by the several counties, with a few exceptions, is insignificant—most of them receiving sums varying in amount from about $200 to about $1000. Of course, those counties and cities having the greatest populations receive larger distributive shares. None of them, however, would be seriously injured by the loss incident to the retention of the entire tax by the State. If this suggestion should be concurred in by the Legislature, and the law amended accordingly, it would result in strengthening the treasury by at least $216,900 during the ensuing biennial term.

In the second place, the proportion of the revenue appropriated two years ago for the support of the public schools might be slightly reduced so as to relieve the treasury without detriment to the schools. The Constitution provides that "in no case shall there be set apart less than

twenty-five per cent of the State revenue * * * to be applied annually to the support of the public schools." Up to 1888 only one-fourth of the revenue was appropriated for that purpose. From 1888 to 1895 this appropriation was increased to one-third of the ordinary receipts. During that period what were called extraordinary receipts—that is, the interest on State deposits, notary public commission fees, fees collected by the departments, and other similar sources of revenue which were not the result of some fixed imposition of the law, but were incidental only, were not included in the totals from which the public school appropriations were withdrawn. All these were retained in the treasury. But in 1895 the act appropriating money for the public schools was so framed as to require the distribution of one-third of all receipts, both ordinary and extraordinary. The effect of this was to divert to the support of the schools about $50,000 of the extraordinary revenues which had theretofore been applied to other purposes. I am personally opposed to any material curtailment of the appropriation for school purposes; but in view of the circumstances to which I have adverted, I believe it would be advisable to so phrase the next appropriation act as to save the whole of these so-called extraordinary revenues to the treasury for general use.

If these two recommendations should be adopted, the sum available to meet current appropriations for general purposes would be increased by about $270,000.

The fourth proposition stated above—that of cutting off or reducing some of the ordinary demands against the treasury—presents questions of the greatest difficulty. I have no doubt that much could be accomplished in this behalf by a careful, painstaking, intelligent revision of the more important statutes—such as those relating to the assessment and collection of the revenue and the administration of justice by the courts. To do this work thoroughly, however, would perhaps require more time and labor than you can possibly devote to it. Criminal costs constitute the most onerous of all the burdens the treasury must bear.

They have grown until they have become almost intolerable. If the rate at which they have increased in recent years is maintained it will not be long until they swamp the treasury unless some provision is made for a large addition to the receipts. How to remedy this evil is a question. Crime will be committed and must be punished. The accumulation of costs follows inevitably upon the enforcement of the law. That can not be avoided. But I believe our judicial system could be reorganized on a plan that would greatly diminish the total of these costs, and by which the responsibility of paying them could be more judiciously divided between the counties and the State. The larger proportion of the costs accrue from prolonged detentions in county jails and from unnecessary continuances and changes of venue. How can these evils be prevented or modified?

COUNTY CIRCUITS

In the first place, I believe that the Constitution should be amended so as to authorize the prosecution of all crimes by indictment or information, with the exception, possibly, that indictments might be required in capital cases. I think an amendment to that effect should be submitted. If it should be agreed to it would save the necessity in hundreds of cases of bringing witnesses before the grand jury, and thereby escape incurring a vast amount of costs on that account. With such an amendment to the Constitution, I believe it would be an improvement to abolish our present judicial circuits and to establish in their stead a circuit court with a separate judge in each county. Possibly it might answer in some instances to put two or three of the smaller counties into one district. We now have 33 judges exercising criminal jurisdiction whose salaries, paid by the State, amount to $65,500 per annum, and in addition have an allowance for expenses. If a judge should be assigned to each county, or a number equal to that, and should be paid $2,000 per year, the expense on that account would be $228,000 or $152,500 more than is now paid to criminal

judges. If this should be done there should be no stated terms of court, but the courts should be at least constructively open at all times. A grand jury might be called once or twice a year to examine into such matters as might require its attention. Whenever a felony was committed and the offender arrested he should be at once proceeded against by information; or a special grand jury might be summoned if the case required it. Speedy conviction following arrest would avoid a large cost bill resulting from jail confinement. The laws relating to continuances and changes of venue ought also to be so amended as to prevent unnecessary delays in reaching conclusions. Again, I believe it would be proper to restrict the liability of the State for costs to those incurred in capital cases and in the higher degrees of felony, such as burglary in the first degree, robbery in the first degree and the like—leaving all other trial costs to be paid by the counties. I think it can be fairly demonstrated that if a system like this was in operation now, it would save the State at least $150,000 a year. On the other hand, I do not believe it would, as a general thing, entail any special hardships on the counties. The people must pay the costs in any event, whether it comes from the State or the county treasury. The effect of the proposal here made would be to make the burden local instead of general. But I believe it safe to say that the expense of prosecutions would be greatly lessened if the officials felt a direct accountability to their several constituencies for their action. It might also be a wise provision of law to require a docket fee of, say, $5, in every individual civil action for the purpose of creating a county fund to pay criminal costs. I venture the opinion that the additional burden for criminal costs imposed on the counties, if the suggestion here made should be formulated into law, would not exceed an average of $1,200; and that outlay would be in large measure compensated for by the docket fees above proposed.

The foregoing, of course, is but a suggestion—by no means fully developed—and subject, I know, to objection. It may not meet your approval, and, even if it should,

I doubt whether it is practicable for you to attempt legislation on a scale so broad in the limited time at your command. But, however that may be, the time has come when those charged with the responsibilities of government must pass from the field of objection to that action—from a position of mere negation to one of positiveness—and devise some remedy for the difficulties that beset us.

DISTRIBUTION OF SCHOOL MONEY

Apropos to the foregoing, I desire to recommend an amendment to the law fixing the date for the distribution of the public school moneys. As the law now stands, those moneys are distributed to the several counties on an apportionment made in July of each year. The distribution takes place at a time when the treasury is usually at the lowest ebb, and least prepared to meet a drain so enormous. The district schools rarely open before September, and the directors of those schools have no real use for the money before October. In consequence, any money distributed in July or August lies in the county depositories until October. If the money should remain in the State treasury during that interval it would draw interest for the benefit of the State, and at the same time save the treasury from embarrassment. By October the fall receipts are coming in, and the treasury is then in better condition for large disbursements. This amendment to the law can do no possible harm; it can result only in good, and it is important that it be made.

NEEDS OF INSTITUTIONS

I cannot now enter into a specific statement in detail of all the various needs of the different institutions. As I have stated heretofore there is scarcely one of them that does not stand in actual need of improvements not included in the estimates we have made. But I shall be compelled to refer the General Assembly to the reports of the officers in charge of these institutions for a more comprehensive account of their condition and wants. I wish, however,

to emphasize the necessity of providing additional accommodations for the indigent insane and for the girls sent to the Industrial Home. A hospital should also be provided for the School for the Deaf and Dumb. With nearly 350 children at this school it should require no argument to prove that a hospital is indispensible. The necessity of it has been demonstrated on more than one occasion when diseases in epidemic form have prevailed. The lives of the little ones who attend the school are often needlessly imperiled because of the inability of the officials to separate those afflicted with contagious diseases from contact with their fellows. I wish also to express my entire concurrence in the recommendation of the board of managers that the salary of the superintendent of this institution be raised to $2,000 per annum. It is now fixed by law at $1,500. The attendance at the school has doubled since the present salary was established, and the importance of the institution has greatly grown in every way. The character and responsibilities of the place are such that any man competent and worthy to fill it merits better compensation than that now provided.

Better hospital facilities are also imperatively demanded at the penitentiary. This is clearly demonstrated in the reports of the Warden and prison physician, a careful examination of which I take leave to beg the proper committees of the two houses to make.

Two years ago I deemed it my duty to recommend an increase in the salary of the physician in charge of the prison hospitals. The position is one of great importance and should command medical talent of a high order. Although my recommendation of two years ago was not concurred in, or at least acted upon, I still regard the salary as grossly inadequate and I again recommend that it be substantially increased.

The Executive Mansion should be repainted both inside and out at an early day, and it stands in absolute need of other extensive repairs. It should also be refurnished. It was newly furnished about eight years ago,

but since then practically nothing in the way of furnishing has been added. The Mansion is used as a semi-public building. It is frequently thronged by large numbers of people and the use to which its furnishing is subjected makes it necessary that it should be replaced every seven or eight years. In addition to the ordinary contingent fund I recommend a special appropriation to be used in making the repairs and procuring the furnishings referred to.

THE UNIVERSITY

We now have laid the foundation of a great university —but have little more than that. If the institution is liberally supported by the people and wisely managed by those in charge of it, we can soon build up here in our imperial State the greatest university in the southwestern section of the Union. I would regard that consummation as one of the proudest achievements within our reach—one that would reflect the highest honor and redound in the greatest benefits to the people. Aside from the natural and patriotic desire all of us should feel to supply our sons and daughters with the best possible educational facilities, the presence of a superb and famous university in the State would do more perhaps than any other one thing to lift the State into universal esteem and attract to it the favorable notice of mankind. It will not do to say that the University is not the school of the poor boy, or that it is not now what it ought to be. As a matter of fact a majority of the University students are the sons and daughters of those denominated as the common people. But if it were true that the children of the poor do not for any reason enjoy to any large extent the advantages of the institution, then their opportunities for enjoying them should be made easier. It more often happens than otherwise that those who rise to great and deserved prominence in the State or nation, and who add the greatest lustre to their country's history, have come from what are regarded as the humbler walks of life. There are hundreds of boys and girls whose

possibilities of usefulness and greatness can not be estimated if they were only given opportunities for full development. Our common and intermediate schools are indispensable. They perform a noble work and should be supported with unstinted generosity. But those schools can not take the place of the University. The University is the final training school where those prepared for admission to it are rounded out and specially equipped for successful labor in the fields of their choice. It should be supported in a broad and catholic spirit, provided with every needed facility, and administered along such practical lines as will strengthen and build it up, so that none desiring its advantages will be denied them. If it is not now such a school as it ought to be we should on that account strive all the more to make it what we would have it. Somewhere in the southwest, and in the near future, a splendid university will arise—one that will shine resplendent above all rivals. Illinois, Iowa, Kansas, Nebraska and Texas are all fighting for this distinction. When success is once achieved it will be hard to wrest the laurel from the victor. Unquestioned supremacy once obtained is apt to be permanent. Missouri holds the key to the situation, and, if we but utilize our advantage, we can win this prize. If we are to succeed the people must take hold of the University with a firm but affectionate hand and lift it right up beyond the reach of danger and send it forward with that confident strength that overwhelms opposition and makes victory sure.

The University cannot be properly, even decently, supported out of the present revenues and in accordance with the present methods of making appropriations without detriment to other important interests. The truth is this institution ought to be taken out of the general squabble for appropriations which occurs at every regular session of the General Assembly and be provided with a permanent and sufficient income of its own. The sum which can now be set apart out of the general revenue for the University is grossly and shamefully inadequate to answer its just de-

mands. It ought to be sustained from a permanent fund. It should not only be spared the humiliation of becoming a biennial mendicant, but it should be placed in a position of absolute independence. Many of the states now levy a special tax, or set apart by law a certain per cent of their aggregate revenues, for their Universities, varying in amount from one-fifth to one-twelfth of one mill per annum on every dollar of assessment or collections. This is done in Ohio, Indiana, Illinois, Wisconsin, Minnesota, Michigan, Kansas, Nebraska, California, and perhaps other states. In Missouri the University gets what it can out of what some have not inaptly designated as "the general scramble." Why should not our University be treated with as much consideration as are those of other states? Not long since the Hon. John R. Kirk, Superintendent of Public Instruction, recommended that the General Assembly should set apart for the benefit of the University an equivalent of one-sixth of a mill per annum upon every dollar of the assessed value of the taxable property of the State; and in support of his recommendation he expressed the hope that if that policy should be adopted it would "remove the question of properly supporting the University from the arena of public and local politics, and place it securely on the platform of those high interests whose support is secured through the action of a just and unfailing rule." If that recommendation should be agreed to it would result in creating an annual revenue of about $165,000, based on present valuations. The sum realized from such a tax would, of course, increase from year to year with the increase of valuations; but that would be as it should, for the necessities of the institution would increase with the growth of the State. In the general spirit and object of this recommendation, and in its wisdom as a policy, I most heartily concur; but whether it could be entered upon at this time, without making provision for additional sources of revenue, is questionable, because of the amount it would absorb out of the aggregate. However, the suggestion is one that can be made practicable by enlarging the revenues, and I

earnestly invoke your attention to it with the hope that it may be regarded with favor.

In my last annual message I suggested the scheme of setting aside a certain sum each year out of the general revenue for a University endowment fund until the endowment should reach $3,000,000. That policy could not then be entered upon for the lack of money. The same obstruction to that avenue of relief still exists. I wish now, in addition to all I have heretofore said in this and former communications on the subject, to suggest another plan for the solution of this University problem—and that is to enact a law directing the fund commissioners to issue a State certificate of indebtedness, non-negotiable and non-transferable, to be held in trust for the Seminary fund, in an amount and at a rate of interest sufficient to sustain the school, and thereby transfer the liability of its support from the Revenue fund to the Interest fund. The certificate should be for at least $2,000,000, and should bear interest at the rate of five per cent. That would create an annual revenue of $100,000, which, added to the interest on the present endowment, would make a total income reasonably sufficient to accommodate the needs of the institution for years to come, put it on its feet and make it independent. This plan, if carried out, would also instantly remove the pressure on the Revenue fund and leave it in good condition to meet the other demands against it. The "Interest fund" is the fund created by the tax of ten cents on the hundred dollars levied to meet the public debt. The public debt consists of bonds and certificates of indebtedness. The bonds, as I have already shown, are payable at the pleasure of the State, and, under present conditions, can all be retired within the next half decade. The certificates of indebtedness are not payable at all. The certificates, all non-negotiable and non-transferable, are held in trust by the State treasury for the benefit of the Public School and Seminary funds—by far the greater part for the public schools. The annual interest on these certificates is expended every year to support the school or schools to which

the interest belongs. No provision is made for paying the principal, nor is it contemplated that the principal will ever be paid. The certificates constitute a permanent debt, if "debt" it can be called. The interest, however, on the certificates is paid out of the "Interest fund," just as the interest on the bonds is paid. In like manner the interest on the new proposed certificate, if authorized, would come from the same fund. The effect would be to increase by $100,000 per year the amount that would otherwise be withdrawn from the fund to pay interest, and diminish to that amount the sum that would be annually transferred to the Sinking fund to retire bonds. It would result in delaying for a few months the final liquidation of the bonded debt. That, however, I am sure no one would regard as a matter of consequence. Here, then, is an easy solution of this perplexing problem, if this can be done. It would transfer the burden of maintaining the University to a fund in splendid condition to assume it without doing injury to any other interest. It would be the means of realizing at once the hopes of all the friends of higher education by placing the University on a plane of independence. It would put an end to all the exasperating consequences incident to the methods and policies heretofore pursued, and would start the institution, confident and self-reliant, on a career of progress almost certain to put it beyond neighboring competition and make it one of the really great Universities of the Republic. And all this would be done without increasing the present burden of taxation a single farthing. It is merely to shift the responsibility of maintenance from the "Revenue fund" to the "Interest fund." Can this be done under the Constitution of the State? Except for the doubt I entertain on that question I would not hesitate to urge without reserve the instant adoption of the scheme. I am not without doubt, however, as to the constitutionality of the proposition. The power to levy taxes is limited by the Constitution. Section 8, Article X of that instrument provides that—

The State tax on property, exclusive of the tax necessary to pay the bonded debt of the State, shall not exceed twenty cents on the hundred dollars valuation; and whenever the taxable property of the State shall amount to nine hundred million dollars, the rate shall not exceed fifteen cents.

This provision absolutely fixes the tax limit for general revenue purposes. But that is "exclusive of the tax necessary to pay the bonded debt of the State."

Section 14, Article X provides that—

* * Hereafter there shall be levied and collected an annual tax sufficient to pay the accruing interest upon the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars; * * * and whenever said bonded debt is extinguished, or a sum sufficient therefor has been raised, the tax provided for in this section shall cease to be assessed.

This section, by reference to another, also provides that this tax to meet the debt shall be "appropriated and paid out" for the following purposes:

First, for the payment of all interest upon the bonded debt of the State that may become due during the term for which each General Assembly is elected;

Second, for the benefit of the Sinking fund, which shall not be less annually than two hundred and fifty thousand dollars.

Now, this section, 14, authorizes a tax to pay the interest and reduce the principal of the "bonded debt," and for that only; while the section first quoted limits the amount of the tax which may be levied for general purposes. If this was all the Constitution had to say on the subject, how would the question stand? If this was all the Constitution had to say, there would be no inhibition against issuing the certificate of indebtedness. But even then, a question would arise as to the source from which the money would be derived to pay the interest on it, provided the general revenue tax, now amounting to fifteen

cents on the hundred dollars, did not produce a sum sufficient for that purpose. As the "debt tax" is levied for the purpose of paying interest on the bonds and reducing the principal thereof, it might be questioned whether any part of that tax could be used to pay interest on a non-payable certificate of indebtedness. There a doubt arises. But what I have quoted is not all the Constitution has to say on the subject. Section 44, Article IV provides that—

The General Assembly shall have no power to contract or to authorize the contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness thereof.

That is the language of the Constitution. There are some exceptions specifically made to the general rule, but none of the exceptions are pertinent to the question under consideration. The language quoted is broad. It denies to the Legislature the power to "contract any debt of liability" or "to issue bonds or other evidences of indebtedness." That leaves but one question open, and that is one of construction. What do the words "debt or liability" mean, as they are here used? Bonds or other forms of indebtedness payable to an individual holder—any obligation to pay something to one standing as a creditor—would beyond doubt fall within the prohibition. But a certificate of the kind suggested is not a debt of that character. Can it be properly said to be a debt at all? The certificate would be an obligation of the State payable, in effect, to itself. It would never leave the possession of the State. It could never become the subject of individual ownership. It would therefore, I assume, be an obligation the State could change, perhaps cancel, at pleasure. It would simply be a means provided by the State to support one of its own institutions, which, if not supported in that way, must be in another; and no matter what way may be chosen it can only be done by taxation. Let us test it in this way. Let us suppose our general revenues to be sufficient to justify a provision of this nature out of them. Let us suppose the Legislature to be desirous of setting apart a

certain amount of the annual revenues for the support of the University, and to put it in a form to make that amount both certain and permanent. Would not the Legislature have the power to authorize the issuing of an interest-bearing certificate, and to direct that so much of the general revenue be set apart each year as would be necessary to pay the interest, and that it be applied to the maintenance of the University, in lieu of a special annual appropriation? For years past, the institution has been supported by specific appropriations out of the general fund. Could not the Legislature, if it cared to, establish a fixed charge by general law against that fund in place of an uncertain and varying charge fixed by special appropriation laws passed from time to time? If a certificate, the principal of which is non-payable, but the interest on which is made a charge on the revenue fund, can be constitutionally issued, then the constitutional question involved in this discussion, if not eliminated, is narrowed to one of funds. If it be conceded that a certificate of indebtedness can be issued as a charge on the Revenue fund, then the certificate is not such a "debt" or "evidence of debt" as the 44th section of Article IV forbids the General Assembly to contract; and the only question remaining is whether it can be made a charge on the Interest fund. To my mind this presents the greatest difficulty. As I have already shown, Section 14, Article X provides for a tax "to pay the accruing interest upon the bonded debt and to reduce the principal thereof," etc.; and it also provides that "whenever said bonded debt is extinguished, the tax provided for in this section shall cease to be assessed." Five years hence the bonded debt will be extinguished. What then would become of the certificate of indebtedness? If the tax should then cease it would thereafter be necessary to pay the interest out of the Revenue fund or cancel the certificate. And if that be true would it not be violative of the Constitution to use any part of the Interest fund for any purpose other than that of paying interest on the bonded debt and reducing the principal? Can a permanent debt or obligation be created

so as to continue any portion of the interest tax after all bonds have been paid and retired? To both of these questions the General Assembly, at least, has made answer on more than one occasion. In 1881, and several times since, the Legislature has authorized the issuing of non-payable, non-negotiable, and non-transferable certificates of indebtedness, to be held in trust for the benefit of the Public School and Seminary funds. The interest now paid annually on these certificates amounts to $248,757; and it is paid out of the Interest fund. It would require too much space to explain the history of all these certificates. Prior to the adoption of the present Constitution $2,009,000 of bonds had been taken up, but, instead of being cancelled, were held in the treasury vaults for the use of the schools. They constituted a part of the bonded debt of the State, however, when the present Constitution was adopted in 1875. In 1881 the Legislature directed that these bonds be cancelled and that a public school certificate of indebtedness be issued in their stead. Again, in 1891, when the United States returned the direct tax due this State, amounting to $646,958, that money was first transferred to the Seminary fund, and a five per cent certificate of indebtedness issued therefor; the money was then transferred to the Sinking fund and used to retire bonds. The bonds, which were payable at the pleasure of the State, were cancelled; but a certificate of indebtedness, the principal of which is not payable at all, was created to take their place. Now, it seems quite clear to me that if the Legislature had power in 1881 and 1891 to change the payable bonded debt into a non-payable obligation held by the State itself, and make that a permanent charge on the Interest fund, it has equal power now to impose an additional burden upon that fund —a burden of the same nature and created in substantially the same way and for precisely the same purpose. There are repeated legislative precedents for doing what is now suggested. I am free to say, as I esteem it my duty to do, that I am not without doubt as to the constitutional power of the General Assembly in the premises, but I lay the

proposition, with the foregoing suggestions, before you for your thoughtful consideration.

My interest in the University is so great, and there is so much that might be said about it that I am loth to dismiss its affairs with such an imperfect discussion of them; but the nature of this document will not admit of further elaboration. I will close my reference to the institution with a brief quotation from a recent letter from President Jesse, in which he says:

"It seems to me that all departments of the State government that have for their object scientific work should be connected with the University. This means the saving of expense to the State, and the strengthening of the University. It would be a good thing to make the University the home of the State Geological and Natural History Survey, of the State Board of Health, of the Fish Commission, and of a commission for inquiry into adulteration of foods, drugs, fertilizers, etc." I warmly endorse this suggestion, and hope it may not only meet with your approval, but that you will give to it such legislative sanction as will make it effective.

I desire also to recommend a special appropriation for the maintenance of a chair in the University on the theory and practice of medicine, according to the homeopathic view. This is desired by a large number of good people in Missouri, and the importance of this great school of medicine is such as to deserve this recognition; besides, it is a chair which in the natural fitness of things ought to be established at the University.

To prevent any misunderstanding, perhaps I ought to say that when I speak of the University I include the School of Mines.

PUBLIC SCHOOL SUPERVISION

A large number of the leading teachers of the State have pressed upon my attention the importance of county supervision of the public schools. Supervision of these school is now had in the larger cities and towns and in several

counties. It is desired to make county supervision obligatory instead of permissive, as it now is by law. The reasons for this change in the law are strongly and fully stated in a pamphlet recently issued by authority of the State Teachers' Association, and which, I am informed, will be furnished each Senator and Representative. Whatever tends to better the public schools should have our cordial and prompt support; and it seems to me that the pamphlet referred to makes it very clear that the change in the law therein advised should be made.

TEXT-BOOK LAW

In this connection and as apropos to the foregoing, I desire to press upon your attention the necessity of revising and perfecting a School Text-Book law. This should be done both for the sake of uniformity and economy. There is not a constituency represented in either House that would not be benefited by such a law.

BOARD OF PARDONS

In my last annual message I called attention to the advisability of establishing a Board of Pardons. The suggestion seemed at that time to meet with general approval, and a bill establishing a Board of Pardons and Prison Inspection was introduced. It failed of passage, however, chiefly, if not wholly, because of objections made by some to so much of the measure as related to inspection. I renew my recommendation for a Board of Pardons, and for the same reasons I gave in my former message. I need not repeat those reasons here, as those who may care to examine them can do so by reference to pages 28-9 of the appendix to the Journals of 1895.

MISSOURI-IOWA BOUNDARY

Some years past a dispute of a most troublesome nature arose between the people of Mercer county, Missouri, and Decatur county, Iowa, as to the true location of the boundary

between the two states. The controversy became so passionate and was the cause of so many open breaches of the peace that I found it necessary to call the attention of the last General Assembly to it. That body wisely enacted a law empowering the Governor to take steps to effectuate a speedy settlement of the issue. Under my direction the Attorney-General instituted a suit in the name of this State against the State of Iowa in the Supreme Court of the United States to have the line ascertained and fixed by a decree of that tribunal. The line was surveyed and relocated by a commission appointed by the court, and the action of the commission has been confirmed; and so I am pleased to report that this exasperating incident is at an end.

BANK INSPECTION

I desire to call especial attention to the report of the Secretary of State with reference to bank inspections. The system of inspections established by him is thorough, and the work done under his supervision has been conducted along lines the most intelligent and praiseworthy. Since the Secretary undertook this work about eighteen months ago he has caused 713 examinations to be made. Twenty-eight banks have been closed at his instance (although four of those have since been permitted to resume); eighteen banks have been forced into voluntary liquidation, and eight into voluntary assignments. Fifty banks have gone out of business since the inspection law was passed. This shows how necessary it was that such a law should have been enacted. Unfortunately the law limited the number of inspectors to two. That number is not sufficient for the work. There are now 583 banks subject to State inspection. The number of inspectors ought to be increased. There is no reason why they should not be as the increase would entail no additional burden on the tax-payers.

BUILDING AND LOAN SUPERVISION

The Thirty-eighth General Assembly also enacted a law placing building and loan associations under State supervision. The duty of supervising these institutions was assigned to the State Treasurer, but the great bulk of the actual work of supervision was delegated by Mr. Stephens to his deputy, Hon. H. L. Gray, who has proved to be a most capable and efficient officer. I beg leave to call your attention to the following extract from a recent communication from the head of this bureau:

"By an act of the last General Assembly building and loan associations were placed under the supervision of the State Treasurer. His first annual report to the Governor is printed and is being distributed; it gives the financial condition of each association as well as a review of the law, its workings and its defects, with suggestions of needed amendments. There are 284 of these societies in Missouri, having resources of over $26,000,000. All the states, I believe, which have relatively as many of these corporations as ours, have supervision. All *quasi* public corporations need inspection, and, without invidious comparison, building and loan associations need it especially as they do business for the most part with those of small means; they are organized for the purpose of encouraging thrift and home building, which is accomplished by self-imposed small monthly payments. Then, too, for the past ten years there has been a tendency to enlarge the scope and change the methods of these institutions, which, in the judgment of the supervisor, has been carried beyond authority under the law, and beyond prudence even if the law permitted. As the report to which I have referred, indicates the changes thought to be desirable, I respectfully recommend it to you, rather than to undertake to do that which want of space forbids.

"Only 12 associations have been placed in the hands of receivers by the supervisor; he informs me that about 50 are in liquidation, or have liquidated under his advice;

others have matured and gone out, having accomplished the purpose for which they were chartered. Each association has been examined, some twice, and I am informed that with but few exceptions they are solvent and are promoting their business in a way to bring satisfactory results."

REVENUE LAW AMENDMENT

I desire to invite particular attention to the following extract from a recent communication of Auditor Seibert to me, and to express my entire concurrence in his recommendations:

"Experience has demonstrated that our revenue system is seriously defective and needs improvement. The records of the courts show that thousands of dollars are lost to the State every year by reason of informalities in the assessors' books, tax books, delinquent lists, etc. Again, there is no uniformity in the settlements with the treasury department by officers handling public moneys, nor suitable safeguards against errors in accounting. These defects could be cured by amending the law to authorize and require the State Auditor, who is charged by law with the duty of supervising the revenue service, to prepare and furnish forms of all books and blanks used in the assessment of property, preparing tax books, collecting taxes, making settlements and keeping accounts with the State, under the laws now in force. To enable the Auditor to enforce the use of the forms prepared by him and ascertain the facts necessary for him to know before accepting and approving reports and settlements made to him and allowing claims against the State, he should be authorized to employ two competent persons as special agents to make examinations, check up books and accounts and report to him."

CONCLUSION

In concluding this communication, which is the last I will have the honor of making to the General Assembly, I express the hope that your sojourn at the Capital will be pleasant, and that your work may prove of advantage to

the State. I have seen much recently in the press that this Legislature would be unusually hostile to corporations and other special interests. To these reports I have given little credence, but if I can venture to do so without offense, I would advise that all legislation should be along high lines and characterized by wise conservatism and the spirit of absolute justice. The State can not afford to make war on any legitimate interest—for war means to tear down and destroy, not to create and build up. The property of corporations is the property of the citizen. It is entitled to the same measure of protection accorded the possessions of others, and should be required to bear only its just and equal proportion of the public burdens. Just laws for the government of corporations should exist, but no law which unfairly discriminates against them should be enacted. No important legislation should be attempted until the situation it deals with is fully understood and the effect of the legislation thoroughly weighed. The thing I counsel is moderation; the thing I advise against is injustice. A spirit of resentment should never give direction to public policy, nor wield an influence over those charged with public functions. No man is worthy to fill public station who consents to do wrong, however great the temptation, or fears to do right, no matter who or what he antagonizes. I hope this General Assembly especially will labor solely and incessantly to promote every legitimate interest of the State, and advance still higher Missouri's proud and unsullied standard.

I can not close without expressing the high appreciation I feel for the uniform courtesy with which I have been treated by those associated with me in the government of the State. Whatever measure of success this administration has attained is due chiefly to the intelligence and fidelity with which my colleagues have administered the affairs of their several departments and bureaus, and for their cordial co-operation I am glad of this opportunity to confess my profound sense of obligation.

[WM. J. STONE.]

VETO MESSAGES

TO THE HOUSE OF REPRESENTATIVES

MARCH 16, 1893

From the Journal of the House of Representatives, pp. 1023-1025

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 16, 1893.

To the Speaker of the House of Representatives:

Sir—I return herewith House bill No. 442, entitled "An act to repeal chapter 162, of the Revised Statutes of Missouri, 1889, entitled 'Township organization,' and also to repeal all acts amendatory to said chapter."

I return this bill without my approval.

Personally, I am not favorable to that system of county government organized and existing under the provisions of the township organization law. It was in force for some years in the county of my residence. Whenever a proposition to adopt it was pending in that county, I always voted against it, and whenever a proposition to abolish it was pending, I always voted for it. I was induced to this because I have considered the system more complicated, cumbersome and expensive than that system of government existing in the other counties. It multiplies offices and increases somewhat the expenses of administration, both to the State at large and to the counties themselves. The difference in the cost to the State, however, is not great, as can be seen by a careful examination of the Auditor's report. This difference is not, in my judgment, large enough to make it a material consideration in determining whether the law should be repealed or permitted to stand.

Although, generally speaking, I am in sympathy with the reasons which have been assigned by those who have

favored this repealing act, I am constrained from other considerations to withhold my assent to the measure. The meaning and scope of the bill under consideration do not seem to me to be clearly defined, but on the contrary, its provisions are such as are likely to lead to complications and confusion.

Section 1 provides that the township law and all amendatory acts "are hereby repealed, except so far as may be necessary to settle up the affairs of townships existing under said chapter, as herein provided." This section repeals the law, subject to certain conditions or exceptions, viz.: "except so far as may be necessary to settle up the affairs of townships existing under said chapter, as herein provided." So far then as the application of the township law may be necessary to the settlement of the affairs of the townships, it is to be continued in force to the extent provided for in the succeeding sections. Now, section 2 provides as follows: "From and after this act goes into effect, no further proceedings shall be had in any township, except such as may be necessary in order to collect the debts due to and to pay those due by such township, to sell and dispose of all property of such township, and such other proceedings as shall be absolutely necessary for a full and complete settlement of the affairs of each township; but for said purposes each officer of each township as now constituted shall retain his full authority." This section then provides that after the act becomes operative, all further proceedings—by which, I suppose, is meant all further corporate business—shall cease, and the right to transact any such business shall terminate.

That is the first general proposition contained in the section. But that proposition is made subject to exceptions, for the section provides that the townships shall still have the right to transact their business to the extent that it may be necessary to collect and pay their debts, to dispose of their property, or to do any other thing necessary for a full and complete settlement of their township affairs; and

to that end the township officers shall retain their full authority.

Let a case be supposed. Let it be supposed that some one township in a county may have a public debt of, say fifty thousand dollars ($50,000). Under the limitations placed on the taxing power, it may not be possible to pay the debt for several years, and besides, it might be excessively burdensome on the people to attempt the collection of taxes sufficient to pay it sooner. In such a case, would not the township organization law continue in force and remain operative in that township as long as that debt might remain unpaid? If such should be a proper construction of this section, then there might be one or two townships in a given county acting under the township law, while the remainder of the county would be operating under the general law. The example here given, if it be well taken, serves to illustrate the confusion to which this bill, if enacted into a statute, might lead. The section provides that the township law shall remain in force, and the township officers continue to exercise their authority, as long as it is necessary to transact any business required for the full settlement of the municipal affairs.

It seems to me that if the township law is to be repealed, then some different provision should be made for the settlement of township business. It could be easily enough accomplished through the medium of the county court, and thereby avoid the introduction of these confusions into the law.

Again, section 4 provides as follows: "As soon as the act takes effect, the township clerk, justices of the peace and constables, and all other officers having any records, papers, books or documents pertaining to his or their offices, shall deliver the same to the county clerk, to be by him disposed of as ordered by the county court. Papers, books and documents so delivered by constables and justices of the peace shall be delivered to their successors to be appointed by the county court."

Section 5 provides that "from and after this act takes effect, all laws then in force in relation to counties not under township organization, and applicable, shall be applicable to all counties affected by this act."

Under the provisions of these sections, therefore, as soon as the act takes effect, all the officers of every township now organized under the township law are peremptorily required to deliver their books, papers and documents to the county clerk; and all books, papers and documents so delivered by justices of the peace and constables are to be turned over to their successors, who shall be appointed by the county court.

Now, recurring again to section 2, if it should so happen that certain townships had debts to pay, or to collect, or had other business necessary to be transacted, no matter how long it might take to complete it, the officers of such townships would be required to continue in the exercise of their authority, and could not, therefore, conform to the provisions of section 4; nor could the general law become operative in those townships as required by section 5, without conflicting with the provisions of section 2.

Again, it is provided in the bill that "The several county courts shall fill all vacancies and perform all things within their authority necessary to put all of said laws (that is, all general laws) into full and complete force in their respective counties." The provision that the county court shall fill all vacancies raises some doubt as to whether the power to appoint county officers is intended to be vested in the county court in those counties affected by this bill, or to leave that power where it now is with regard to counties not under township organization. In my own judgment, the power of appointment now confided to the Governor under the general law would not be taken from him under the provisions of this bill, but I find that there is considerable doubt in the minds of others upon this question. It would be unwise to leave a question of this character involved in obscurity and doubt.

There are other objections to the bill of a kind similar to those above presented, but I do not care to elaborate this view at too great length. My attention has been called to the fact that the bill under consideration is a literal copy of the act repealing the township organization law, approved March 5, 1877; but I can not see that that fact lessens materially the force of the objections here urged.

I will state one other reason why I can not approve this bill. The people of the State took sufficient interest in township organization as a governmental policy to provide in the Constitution that the Legislature might enact a township organization law. The Constitution likewise provides that if such a law should be put upon the statute books, and it should be adopted in any county by the vote of the people, it should remain as the law in that county until it should be abolished by a vote of the people thereof. I do not wish to be understood as saying that there is any constitutional objection to the repeal of the township law. I think it can be repealed. I mean simply to say that, in my judgment, it was contemplated by the people, when they adopted these provisions of the Constitution, that if a majority of the representatives of the people in the two Houses of the General Assembly thought such a law was desirable, it might go upon the statute books, and when adopted by any county, it should remain the law of that county until the people thereof should abolish it by a majority vote, or until it should be repealed and wiped from the Statute books of the State. Although the Legislature may repeal the law, I greatly doubt whether it would be a strict compliance with the spirit of the Constitution to do so after counties had adopted it, had adjusted their affairs to the system, and conducted their business for years thereunder, not only without consulting, but absolutely in contravention of the will of the people residing in such counties.

I do not think that ought to be done unless there is some commanding reason why it should be. No such

reason suggests itself to my mind, on the contrary, I am in favor of the doctrine of local self-government. I believe in leaving matters of this kind to the judgment and wish of those immediately concerned. If the people of Carroll county, for instance, prefer this system of county government, why should the people of Cole county, or any other county, object? The only reason occurring to me upon which a sound objection could be predicated is that the assessment and collection of the State revenue in counties operating under the township system is somewhat more expensive to the State than in the other counties of similar class not operating under that law. This difference, however, as I have already said, is small and comparatively unimportant.

Some of the counties of the State have been under this system for years; many of the townships have erected buildings for township use; the people have become accustomed to the system and prefer to have it continued. I do not feel disposed to overthrow these conditions, or to disturb the people of these counties in the exercise of a privilege and a preference which in nowise affects the local rights or affairs of any other county, and which do no material injury to the State. The people of every county are at liberty to adopt this system if they wish; it is not imposed upon them except by their own act; and they can at any time dispense with it if they believe it to be to their interest to do so.

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 1, 1893

From the Journal of the Senate, pp. 646-647

JEFFERSON CITY, April 1, 1893.

To the Secretary of State:

Sir—House bill No. 395, entitled "An act to amend section 8666 of article II, of Chapter 164, of the Revised Statutes of 1889, by inserting the words 'or of any other city in this State having a population of not less than one hundred thousand,' between the words 'St. Louis' and 'or' in the 9th line of said section, and by striking out the word 'funded,' in the tenth line of said section," was received by me within ten days last before the adjournment of the General Assembly. In compliance with the provisions of the Constitution in such cases made and provided, I return the bill herewith, with my disapproval. My objections to approving the bill may be briefly stated thus: The security of the public funds deposited with banks should be the first, if not the only, consideration. Under the law as it stood in 1879, the only security which banks were authorized to give the State Treasurer for money deposited with them, were bonds of the United States or of the State of Missouri, which were to be equal in amount to the amount of money deposited with the banks. Such security made the deposits absolutely safe. There could never be any question about its sufficiency. There was never any need of examining market reports to ascertain the values at which bonds were quoted; there was never any danger of having bonds of questionable validity or uncertain value held as security for the public money. Since 1879 the law has been so amended that it now provides that the treasurer (with the approval of the Governor and Attorney-General), may take a personal bond equal to at least twenty-five

per cent of the amount of the accepted bid made by any bank, and in addition thereto, bonds of the United States or the State of Missouri, "or, in their discretion, the registered bonds of the city of St. Louis, or, in their discretion, the registered funded bonds of any county in this State worth not less than par, to an amount at least equal in value to the amount of the deposits with such banks or banking institutions."

From being authorized to take only bonds of the United States or the State of Missouri, according to the law of 1879, the treasurer is now authorized to take a personal bond, and registered bonds of the city of St. Louis, or the funded bonds of any county in the State. And now it is proposed to still enlarge the range and character of the securities which may be taken for these deposits by including the registered bonds of any city in the State having a population of one-hundred thousand inhabitants, or the registered (instead of funded) bonds of any county in this State.

I think this legislation tends in a wrong direction. Every step taken in this direction is calculated to impair the character and value of the securities which may be offered for the safe-keeping of the public funds. I think it wise to check further progress along this line. Every proper facility, of course, should be afforded the banks, and they should be dealt with so as to occasion them as little embarrassment as possible, consistent with the absolute safety of the public interests. The bonds of the United States or of this State are not yet so scarce as to put them out of reach, or to make them unavailable. It may be said if the higher priced securities are exacted, the banks can not afford to bid as high for the State deposits; but I imagine there is very little in that, and in any event, I think absolute security should be the first consideration.

Respectfully,

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1893

From the Journal of the Senate, p. 647

JEFFERSON CITY, April 18, 1893.

To the Secretary of State:

Sir—I herewith return House bill No. 178, entitled "An act to amend section 5033, chapter 65, of the Revised Statutes of Missouri of 1889, concerning the fencing of public highways in counties that have passed the general stock law restraining horses, mules and cattle, by adding a new section thereto to be known as section 5033a." This bill was received by me within the ten days next preceding the adjournment of the General Assembly. I return the same without my approval, and, in compliance with the constitutional requirements in such cases made and provided, state my objections thereto:

First—The title is clearly defective. It does not comply with that section of the Constitution which requires that the subject matter of the bill shall be clearly stated in the title. By the title it is proposed to "amend" section 5033 "by adding a new section thereto to be known as section 5033a." I do not well see how section 5033 can be amended by the enactment of an entirely new section, referring to an entirely different subject. The title does not propose to amend the chapter by the addition of a new section, but to amend a certain section of a certain chapter by the addition of a new section. The title does not indicate in any manner whatever what subject is to be treated by the proposed new section. The subject-matter of the new section is not "clearly stated in the title;" indeed, it is not stated at all.

Second—Coming to the body of the bill, I find that not only one but three new sections are enacted, all of which relate to different subjects. The three new sections are numbered 5033a, 5033b and 5033c. There is nothing in the title of the bill making any reference whatever to the proposed sections, numbered 5033b and 5033c.

Third—Section 5033b provides that the entire "article," of which the proposed section is to be made a part, shall be "suspended" in certain counties until the legal voters of such counties shall decide to enforce the same therein. Now, section 5033 referred to in the title is a part of chapter 65 of the Revised Statutes; but the chapter is not divided into articles at all. It is difficult, therefore, to determine what the proposed section 5033b really means.

For the reasons indicated, I disapprove the bill.

Respectfully,

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1893

From the Journal of the Senate, p. 648

JEFFERSON CITY, April 18, 1893.

To the Secretary of State:

Sir—Under the provisions of the Constitution in such cases made and provided, I return herewith Senate bill No. 190, entitled "An act to amend chapter 86 of the Revised Statutes of the State of Missouri of 1889, entitled 'Insane persons,' by adding a new section thereto, to be known as section 5563a," without my approval.

The bill is an amendment to the law relating to insane persons and the management of their estates. It provides that "appeals shall be allowed from any final order or

judgment of the probate court under this chapter at any time during the term or within six months thereafter, in like manner and with the same effect as appeals are allowed in cases of administration of the estate of deceased persons."

If an amendment to the existing law is necessary to allow a review of proceedings had in the probate court with relation to the persons and estates of insane persons, then it seems to me that the time provided in the bill under consideration within which an appeal may be taken is manifestly too long. It seems to me if this proposition should become a law it would lead to confusion. If a citizen is declared insane, and an order made appointing a curator to manage his estate, six months would be allowed in which to prosecute an appeal. In the meantime, the guardian or curator would be at a loss to know what course he should pursue. The execution of his bond, the taking charge of the estate, the disposition of assets, and the conduct of the entire business, no matter how urgent or important to the preservation of the estate, must all be delayed for half a year, waiting to see if an appeal will be taken, or done at the risk of having the whole proceedings reviewed and reversed, and the expense incident to the work thrown upon the guardian. This illustrates the objections to the bill as they occur to me. Why this long period of six months for prosecuting appeals was allowed I am at a loss to understand. It is a radical departure from the rule and practice obtaining in all other classes of judicial proceedings. So believing, I withhold my approval.

Respectfully,

WM. J. STONE,
Governor.

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VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1893

From the Journal of the Senate, pp. 648-649

JEFFERSON CITY, April 18, 1893.

To the Secretary of State:

Sir—I return herewith Senate bill No. 217, entitled "An act providing what effect shall be given to fire insurance policies containing clauses relating to the vacancy or non-occupancy of the property insured, and to prevent the avoidance of that part of the policy concerning which no false, fraudulent or mistaken misrepresentations have been made;" which bill was received by me within the ten days next before the adjournment of the General Assembly. I return the same without my approval, and in compliance with the provisions of the Constitution in such cases made and provided, I thus state my objections briefly:

The bill provides that any provision in any fire insurance policy hereafter issued, which provides for avoiding the policy by reason of the vacancy or non-occupancy of the property insured, shall be without force and effect, unless the insurance company shall affirmatively show that the vacancy or non-occupancy contributed to the damage claimed by the insured. The bill also provides that any provision rendering the policy void by reason of any false or fraudulent representation made by the insured as to any part of the property insured, shall be effective only as to that part of the property concerning which the false representation was made, and that the policy shall remain in force and effect as to that part of the property concerning which no false or fraudulent representation has been made.

It is manifest, it seems to me, that a vacant building is more liable to the danger of destruction by fire than one

occupied. The risk taken upon a vacant building, having no one to guard or protect it, is upon an entirely different basis from that taken on a building occupied and in use. I think insurance companies should have an undisputed right to insist by the terms of their contracts that where a building insured is to remain in the occupancy of some person, the policy shall become void if it becomes vacant without the consent of the insurer. This seems so clear to me that the mere statement of the proposition is to make it unanswerable.

Equally objectionable is the other provision of the bill, which provides that a false and fraudulent representation, made by the person insured with reference to a part only of the property insured, shall not affect his right to recover for that part of the property concerning which no false or fraudulent representation was made. A contract is an entire thing. The representation made as to the whole property might be the inducement leading the insurer to take the risk. Now, to hold that a provision inserted in the contract to the effect that its validity shall depend upon the truth and good faith of the representations made by the insured concerning the property insured, shall be binding only as to that part of the property concerning which a fraud was perpetrated, but shall not be enforced as to other property, is to offer a premium upon wrongdoing and hold out an inducement to fraud. It would set aside safeguards which every well-conducted insurance company should be permitted to establish for its own protection.

Respectfully,

WM. J. STONE,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1893

From the Journal of the Senate, pp. 649-651

JEFFERSON CITY, April 19, 1893.

To the Secretary of State:

Sir—Under the provisions of section 12, article 5 of the Constitution, and of the laws enacted in pursuance thereof, I transmit herewith to your office House bill No. 418, entitled "An act to repeal section six thousand six hundred and thirty-two (6632), chapter one hundred (100), article one (1), of the Revised Statutes of Missouri, 1889, entitled 'Legislature,' and to enact a new section in lieu thereof, to be known as section 6632."

This bill was received by me on the 22d day of March, being within ten days before the final adjournment of the Thirty-seventh General Assembly. I return this bill, without my approval. I disapprove the measure because it increases as I think, unnecessarily, the number of legislative employes, and the amount now provided as compensation for many of them. The statute now regulating the employment and compensation of these employes is as follows:

SEC. 6632. *Per diem of Assistant Secretary of Senate and others.*—The Assistant Secretary of the Senate, the Assistant Chief Clerk of the House, the Engrossing Clerk and the Enrolling Clerk of the Senate, the Engrossing Clerk and Enrolling Clerk of the House, the Official Reporter of the Senate and the Official Reporter of the House, the Chaplain of the Senate and the Chaplain of the House, the Reading Clerk of the Senate during a Revising Session, the two Reading Clerks of the House, and during a Revising Session the Chief Clerk of the Joint Committee on Revision, from the date of their appointment, shall each receive

five dollars per day for their services; the Folder of the Senate and the Folder of the House shall each receive four dollars for their services; the Sergeant-at-Arms and Doorkeeper of the Senate and the Sergeant-at-Arms and Doorkeeper of the House, committee clerks and other clerks, the Superintendent of Heating and Ventilation of the Senate and House shall each receive three and one-half dollars per day for their services; pages and laborers shall each receive one and one-half dollars per day; and other employes shall each receive two dollars per day—the allowance in every case to be only for the time actually consumed in the work of the Senate and the House, as the case may be.

SEC. 6633. *Compensation of other clerks and employes.*—The compensation of all officers, clerks and employes of either house, not otherwise fixed by law, shall be fixed as soon as practicable after their election or appointment, and the pay of officers, clerks or employes shall not be increased or diminished during their respective terms of office, or during the time which they may be employed or appointed, either by appropriation out of the contingent funds of either house or otherwise, in any manner whatever.

The bill under consideration provides as follows:

SEC. 6632. The Assistant Secretary of the Senate, the Assistant Chief Clerk of the House, the Engrossing Clerk and Enrolling Clerk of the House, the Engrossing Clerk and the Enrolling Clerk of the Senate, the Official Reporter of the Senate and the Official Reporter of the House, the Chaplain of the Senate and the Chaplain of the House, one Reading Clerk in the Senate and two Reading Clerks in the House, and during a revising session the Chief Clerk of the Joint Committee of Revision, shall each receive as full compensation for their services the sum of five dollars per day; the Folder of the Senate and the Folder of the House shall each receive as full compensation for their services the sum of four dollars per day; the Sergeant-at-Arms and Doorkeeper of the Senate and the Sergeant at-Arms and Doorkeeper of the House, the Assistant Ser-

geant-at-Arms and the Assistant Doorkeeper of the Senate and the Assistant Sergeant-at-Arms and the Assistant Doorkeeper of the House, all committee clerks, docket clerks, minute clerks, endorsing clerks, bill clerks, printing clerks, calendar clerks, journal clerks, copying clerks, resolution clerks, postal clerks, assistant enrolling and assistant engrossing clerks, one superintendent of heating and ventilation for the Senate and one for the House, the postmaster of the House and the postmaster of the Senate, shall each receive as full compensation for their services the sum of three dollars and fifty cents per day; all watchmen, mail-carriers, sweepers, janitors or other employes, by whatever name, other than those hereinbefore specifically named, excepting pages, shall each receive as full compensation for their services the sum of two dollars and fifty cents per day, and all pages shall be allowed, as full compensation for their services, the sum of one dollar and fifty cents per day—the allowance in every case to be only for the time actually consumed in the work of the Senate or the House, as the case may be. This act shall apply to the present or future session of the General Assembly.

By comparison it will be readily observed that a very considerable increase in the number of legislative employes is provided for in the pending measure. The bill creates the offices of Senate Reading Clerk, Senate and House doorkeepers and assistant doorkeepers, Senate and House assistant sergeants-at-arms, Senate and House postmasters, Senate and House mail-carriers, etc., etc. Most of these new offices are wholly unnecessary to the proper conduct of legislative business. For instance, what possible need can there be for the employment of a postmaster for either of the houses? Or if a postmaster is desired as a luxury or an ornament, what possible use can there be for a mail-carrier? I am aware that both houses in recent legislatures have been in the habit of appointing both postmasters and carriers. This, however, is done without authority of law and without any purpose to subserve the public interests. The United States postoffice at Jefferson City is distant

about three blocks from the State capitol. These mail-carriers, I am informed, are in the habit during the session of the General Assembly of sauntering over occasionally from the capitol to the postoffice, for the purpose of gathering the mail belonging to the members of the House or Senate, as the case may be, and returning with it to the capitol, where it is delivered with proper circumspection and ceremony to that other legislative dignitary known as the postmaster, who occupies a few minutes of his valuable time in distributing it in the boxes provided for that purpose and belonging to the members of the body. Only a small fraction of the time of these employes can possibly be devoted to what are supposed to be their official duties. There is absolutely no necessity for these places. They were created without authority of law, evidently and solely for the purpose of providing a job for importunate hangers-on.

This is an abuse which has grown already almost into the proportions of a public scandal. The law now provides for the appointment of necessary "committee clerks and other clerks." The fact is that a large number of unnecessary clerks are appointed at different sessions of the Legislature. In many cases, committees that rarely meet at all during the entire session have clerks appointed to serve them. Committees are multiplied, the number increased, seemingly for the sole purpose of giving opportunity to employ a clerk and pay him a salary for doing absolutely nothing. Clerks have been appointed who drew their salaries regularly, without even being in attendance upon the legislature. Clerks have been appointed under assumed names, and have been paid their salaries without having performed any service therefor. Why Senators and Representatives will do things of this kind surpasses the power of plain people to understand, but none the less it is done, and there is seemingly no way to prevent it. Twice as many people are employed about the Legislature as are needed.

The existing statute provides, as I have said, for the appointment by each house of all necessary "committee

clerks and other clerks." I know that under the general authority conferred by the language "and other clerks," a great many ridiculous and unnecessary appointments have been made. The measure under consideration proposes to sanction many of these outrages by giving to future legislatures direct statutory authority and excuse to repeat them. The bill authorizes not only "all committee clerks," but in addition thereto "docket clerks, minute clerks, endorsing clerks, bill clerks, printing clerks, calendar clerks, journal clerks, copying clerks, resolution clerks, postal clerks," etc. The two houses are to be furnished not only with postmasters and mail-carriers, but with postal clerks also. I will venture to say that not a day passes during the sessions of the Legislature that as much mail does not come to either of the executive officers of the State as comes to all the members combined of either of the houses of the General Assembly, and yet all these executive officers manage to get their own mail from the postoffice, while it requires mail-carriers, postal clerks and postmasters, specially appointed and paid for that purpose, to serve the members of each house in conveying their mail to and fro between the postoffice and the capitol, and in its distribution. I protest against this sort of thing as being the very essence of bad government, I cannot consent to approve such a measure.

Respectfully,

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 21, 1893

From the Journal of the Senate, pp. 652-655

JEFFERSON CITY, April 21, 1893.

To the Secretary of State:

Sir—I return herewith House bill No. 304, entitled "An act to amend section 7079 and to repeal section 7080,

chapter 116 of the Revised Statutes of the State of Missouri, relating to mortgages and deeds of trust."

This bill was received by me within the ten days next preceding the adjournment of the General Assembly. I return the same without my approval, and, in compliance with the provisions of the Constitution in such cases made, I state briefly my objections to the measure.

The first section of the bill is an amendment to section 7079 of the Revised Statutes. The second section of the bill repeals section 7080 of the Revised Statutes.

Section 7079 of the Revised Statutes provides that:

All real estate which may be sold by the trustees, or anyone representing them in any deed of trust hereafter made according to the terms of said deed, without the said deed of trust having been first foreclosed according to this section, and which shall be bought in at said sale by the *cestui que* trust or his assignee, or by any other person for them, or either of them, shall be subject to redemption by the grantor in said deed, or his executors, administrators or assigns, at any time within one year from the date of said sale, on payment of the debt and interest accrued by said deed of trust, and all legal charges and costs incurred in making said sale up to the time of redemption; and at such sale the purchaser shall receive a certificate of purchase, setting forth the property sold and the amount of purchase money received, which certificate shall be delivered to the trustee, upon the application for a deed, at the expiration of twelve months.

Section 7080 of the Revised Statutes is as follows:

No party shall have the benefits of the preceding section until he shall have given security to the satisfaction of the circuit court for the payment of the interest to accrue after the sale, and for all damages and waste that may be occasioned or permitted by the party whose property is sold. In case the circuit court is not in session, such security may be taken by the clerk of said court.

That section the bill proposes to repeal.

The provisions of section 7079, above quoted, the bill proposes to strike out and in lieu thereof to insert the following:

Deeds of trust in the nature of mortgages may, at the option of *cestui que* trust, their executors or administrators or assigns, be foreclosed by them and the property sold in the same manner in all respects as in case of mortgages; and all real estate which may be sold under any deed of trust, mortgage or other similar instrument, given as security for debt, according to the terms thereof, without foreclosure in court, shall be subject to redemption by the grantor in such instrument, his executors, administrators or other persons claiming under him, within one year from the date of such sale, upon payment of the debt and interest secured by such instrument, and all legal charges and costs incurred in making such sale, and all necessary expenses incurred in preserving said property up to the time of redemption, including any taxes which may have been paid, and interest on all moneys paid, after deducting any net income from such real estate received by the purchaser or those claiming under him: Provided, that there shall be no right to redeem as above provided, in any case where the owner of the equity of redemption after such sale, wrongfully, and for 30 days after demand, in writing, withholds possession from the purchaser or those claiming under him; and in all cases where real estate is sold without foreclosure in court, such sale shall operate as an absolute discharge of such debt.

Under the provisions of the existing law, in all cases where real estate is sold by the trustees under powers conferred by deeds of trust and is bought in at the sale by the *cestui que* trust or his assignee, or any person for him, it is subject to redemption by the grantor, his executors, administrators or assigns, at any time within one year from the date of the sale, on the payment of the debt and interest secured by the deed of trust, and all charges incident to making the sale.

The bill under consideration proposes that when real estate is sold by the trustee without foreclosure in court, it shall be subject to redemption by the grantor or his executors, administrators or assigns, at any time within one year from the date of the sale, upon the payment of the debt, interest, costs, taxes and expenses incurred in preserving the property up to the time of redemption, deducting therefrom any net income received during the year from the property by the purchaser.

So far the provisions of section 7079, Revised Statutes, and the provisions of the bill are substantially the same. But the bill contains these further provisions: (1) That there shall be no right of redemption in any case where the mortgagor or owner of the equity wrongfully withholds possession from the purchaser for thirty days after demand in writing; and (2) that whenever real estate is sold by the trustee, without foreclosure in court, the sale shall operate as an absolute discharge of the debt secured.

The first of these proposed changes is in favor of the creditor, in that the right of redemption is destroyed if possession of the property is withheld by the debtor for thirty days after sale and demand for possession. The second of the proposed changes is in favor of the debtor, in that it provides that where the property is sold by the trustees without foreclosure in court, it shall operate as a complete satisfaction of the debt.

If this bill should become a law it would not affect or operate upon existing deeds of trust. The remedy subsisting when a contract is made is a part of the obligation, and it cannot be so impaired as to lessen the value of the contract. The deeds of trust already outstanding as a rule authorize the sale of the property covered by them on breach of the conditions of the deeds. Under the law as it now stands, a creditor, in case of sale, is required to credit his debt by the net amount of the purchase money received from the sale. I think a statute now passed subsequent to the date of an existing deed providing that in case a sale be made under the terms of the contract and by virtue of

its powers, it shall operate to satisfy and extinguish the debt, without regard to the amount actually bid or received as the proceeds of the sale, would be violative of the Constitution, if it were sought to apply its provisions to such existing deeds. Hence, if this bill should be approved and placed upon the statute books, it would apply only to deeds of trust and contracts executed after it went into effect.

What would be its effect on the enforcement of future contracts? Two ways are provided in the bill for foreclosing deeds of trust: (1) By foreclosing in court. (2) By a sale made by the trustee under the powers conferred upon him by the deed. In case of foreclosure in court no right of redemption is given, and in such case the sale does not operate to satisfy the debt, but the creditor will be required only to credit his claim by the amount actually received from the sale. The result then would be that substantially all deeds of trust would be foreclosed in court. What good would that do the debtor? It would operate to delay the sale until the foreclosure proceedings could be brought to a conclusion. Ordinarily it would require from eight to twelve months to secure a judgment of foreclosure and sale under execution. By foreclosure, therefore, it would require from eight to twelve months longer time to effect a sale of the property than would be required if the sale should be made by the trustee. So far as I can see, this delay constitutes the only benefit that could accrue to the debtor under the provisions of the bill. But, on the other hand, he would lose all right of redemption whatever, and all the largely increased costs of the foreclosure proceeding would fall upon him.

If this bill should become a law, future deeds of trust would no doubt invariably contain a provision to the effect that in case of foreclosure attorneys' fees should be taxed as costs in the case and charged against the debtor and made a lien on his property. Any possible good that might come to the debtor is therefore offset, if not more than offset, by the hardships that would accrue to him as the result of foreclosure.

Where money is loaned and secured by a mortgage on real estate, the encumbrance can only be released by the payment of the debt. If the market value of the property mortgaged is in excess of the debt secured, there will rarely be any occasion for foreclosure, since when the debt matures new loans can, generally speaking, be readily negotiated. Under the present law, where sales are made by trustees and the property is purchased by *cestui que* trust, or on his account, the mortgagor has a year within which to redeem, provided he executes a bond, to be approved by the circuit court or clerk, that he will pay the debt and costs within that period. Now, if the property sold has a market value equal to or in excess of the amount secured, there is no reason why the debtor cannot execute such a bond or negotiate a new loan to meet the expiring one.

Taken all in all, it seems to me that the provisions of the bill would not substantially better the condition of mortgaged debtors. On the other hand, it would tend, in many instances unnecessarily, to harass and annoy creditors. I assume that in cases where the mortgaged property in value largely exceeds the debt secured, and the debtor fails to renew or replace the loan, the creditor might direct the property to be sold by the trustee. In such cases the creditor, becoming the purchaser, would be entitled to possession within thirty days, and if possession should not be given accordingly the debtor would lose all right to redeem. But there are many instances where the mortgaged property is not sufficient to cover the debt secured, and often in such cases other personal or collateral security is taken. Now, in cases of this character, the creditor would be compelled to foreclose in court, thereby being delayed and sometimes endangered in the collection of his debt, and the debtor and his securities be burdened with attorneys' fees and other costs incident to foreclosure.

Aside from all considerations of this character, however, I seriously doubt whether laws of this description do not ultimate in more harm than good. Unfortunately our western people are borrowers. The mortgage indebtedness

of the western states is very large, though it is less in Missouri than in most of the surrounding states. It is also true that we are compelled in a very large measure to obtain money owned by people residing outside of the State, chiefly in the northeastern states. This strikes me as an abnormal condition of things; but so it is, whatever the cause may be, and as to that it is not proper here to inquire. These mortgages that we owe are maturing now, month after month and day after day. Many of them are being paid off, but very many of them it is necessary to renew. Interest rates in Missouri are constantly decreasing, not rapidly, but the tendency is certainly downward. The enactment of measures such as the one under consideration must tend inevitably to increase the interest rate and the difficulty of making loans.

Instead of making the path easier to the debtor class I fear such measures would tend to multiply their difficulties. And as to those who are not in debt already I see no reason for increasing their burdens or lessening their opportunities of borrowing money whenever they need to do so in the conduct of their business. Merchants, grain producers and dealers, those who feed and ship livestock, and others who have constant occasion to make loans on comparatively short time, would find real estate a less desirable security to offer to the banks, and those who wished to borrow outside capital on longer time would meet with the same difficulty, finding the borrowing capacity of their property decreased and the interest rate for money increased. Missouri has attained a high rank among the commonwealths of the Union. The credit of the State, counties and municipalities, and the credit of the people themselves, has risen from year to year until today it is unexcelled. Many hardships unhappily occur which fall heavily upon debtors, but that would happen under almost any system of laws. Our western people have a grossly inadequate supply of money, but Missouri and Missourians have a splendid credit. We ought to have a larger volume of circulation in this State and throughout the west, but we

should be slow to enact laws that tend to exclude capital or to impair our credit.

I believe the best interests of the State will be subserved by withholding my approval of this bill.

Respectfully,

WM. J. STONE,

Governor.

TO THE SENATE

JANUARY 24, 1895

From the Journal of the Senate, p. 116

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 24, 1895.

To the President of the Senate:

I have the honor to return, without my approval, Senate joint and concurrent resolution authorizing and instructing the Secretary of State to forward to the Clerk of the Circuit Court of DeKalb county, Mo., the notarial bond of Isom F. Atterberry, approved March 21, 1892.

Respectfully,

WM. J. STONE,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 2, 1895

From the Journal of the House of Representatives, pp. 768-769

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,

March 2, 1895.

To the Speaker of the House of Representatives:

I have the honor herewith to return House bill No. 230, entitled

"An act to encourage the breeding of and improvement in trotting, running and pacing horses in the State of Missouri."

My objection to this bill is that it does not comply with section 28, article 4, of the State Constitution, which provides that:

"No bill * * * shall contain more than one subject, which shall be clearly expressed in its title."

This provision has been construed by the Supreme Court to be mandatory, and not simply directory. The purpose of the act, as expressed in the title, is to encourage the breeding of and improvement in horses.

The first section of the bill declares that it shall be a crime for any person to enter any horse, under a false name or in a wrong class, to compete for any prize or premium in a contest of speed.

The second section prescribes the penalty at imprisonment in the penitentiary or jail, or by a fine.

The third section provides that for the purposes of the act the name of any horse entered for a race shall be the name under which the horse has previously performed, etc.

The fourth section provides that the records and books of racing and fair associations shall be admitted as evidence in cases brought under the act. That is the entire bill.

I do not think the subject of the act is clearly expressed in the title. If the General Assembly concurs in this view, and still desires to have the bill enacted, it can yet be done during the present session.

Respectfully,

WM. J. STONE,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 11, 1895

From the Journal of the House of Representatives, pp. 936-937

To the Speaker of the House of Representatives:

I have the honor to herewith return, without my approval, House bill No. 423, entitled "An act in relation to the construction and operation of street railway tracks across railroad tracks, and the stringing of wires over railroad tracks, and the maintenance of street railway tracks heretofore constructed, and wires heretofore strung."

1. I greatly doubt whether the title of the bill complies with the constitutional provision that "no bill shall contain more than one subject, which shall be clearly expressed in its title."

2. I think section three of the bill unwise. Sections one, two and four have my approval, but I regard the provisions of section three as announcing a remarkable if not dangerous proposition. As shown by the title of bill, its provisions are intended to affect not only lines of street railway hereafter to be constructed, but those already constructed and in operation. Section three provides that it shall be unlawful for a railroad company to permit a street railway company to construct, maintain or operate a trolley wire or electric wire across its track at a height of less than 22 feet above the top of the rail of the railroad company, or without the trolley wire being provided with fenders, etc. The section does not say that it shall be unlawful for a railroad company to *consent*, but unlawful to *permit* a street railway company to construct or operate its tracks or wires contrary to the provisions of the bill. The bill then provides that if a street railway company shall refuse to conform its tracks and wires to the provisions of the bill, the railroad company shall have the right, and it shall be its duty, to remove the tracks, wires, etc., of the

street railway company from over and across the tracks of the railroad company; and section four provides that if any railroad company shall violate any of the provisions of the bill, it shall be subject to the penalty of one hundred dollars per day for each and every day of such violation.

By the provisions of this measure the railroad company is made judge, jury and executioner. It is given authority to cut wires and tear up tracks, and thus destroy or injure the property of other citizens without the intervention of any public authority, or without asking leave of any person whatever. Unquestionably, trolley wires should be strung sufficiently high and be sufficiently guarded to protect the property of railroads or the lives of their employes from danger, and a law fixing penalties for a failure to do so would be well-timed. But I do not think it safe, even if constitutional, to clothe one private person or corporation with such arbitrary power over the rights and property of any other person or corporation as the third section of this bill undertakes to confer.

[WM. J. STONE.]

TO THE HOUSE OF REPRESENTATIVES

MARCH 11, 1895

From the Journal of the House of Representatives, p. 937

To the Speaker of the House of Representatives:

I have the honor to return, without my approval, House bill No. 195, entitled "An act to prohibit the detention of persons alleged to be insane without previous authority therefor, and to prescribe punishment for the violation of this act."

My objection to this bill refers principally to the second section. That section provides that every person, association of persons, corporation or institution who (or which) shall detain or imprison any person without being

thereto authorized under and by virtue of an order from the county court of the county or the board of health of the city in which such person is to be detained, imprisoned or deprived of liberty for alleged insanity, shall be guilty of a felony and subject to certain severe penalties.

The general purpose of the bill is praiseworthy. It was framed evidently with the object of preventing the imprisonment of any person under the claim or pretense of insanity, without due process of law. But the bill is inartificially constructed. Under the provisions of section 2, it would be unlawful to detain any person in an asylum without an order from the county court of the county or board of health of the city in which the asylum is located; or, in the language of the bill, without an order from the county court of the county or board of health of the city "in which such person is to be detained, imprisoned or deprived of his or her liberty."

I presume such a construction is not in accordance with the intention of the bill, but it seems to me that under the letter of the bill no person could be detained at an institution for the insane, without an order from the county court of the county or board of health of the city in which the institution should be located. Such a measure would involve the law of the State relating to institutions of this character in the greatest confusion, and would be altogether impracticable. If the bill provided, as was no doubt intended, that no person should be confined in an institution for the insane without an order from the county court of the county or board of health of the city in which such person resided or from which he should be sent, it would be in harmony with the present law relating to asylums, and therefore unobjectionable. But such is not the case. I think the bill ought not to become a law in its present form.

[WM. J. STONE.]

TO THE SENATE

MARCH 22, 1895

From the Journal of the Senate, pp. 814-815

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 22, 1895.

To the President of the Senate:

I have the honor herewith to return to the Senate, without my approval Senate bill No. 217, entitled

An act to preserve the purity of the navigable waters of this State.

This bill provides that it shall be unlawful for any municipal corporation of this State to dispose of garbage, dead animals, etc., by placing the same in the navigable waters of the State, and provides that all ordinances of any city which authorize any such thing to be done are repealed: Provided, that nothing in the act should be construed to interfere with or apply to the sewers of any municipality. All persons violating the act are made guilty of a misdemeanor, punishable by fine and imprisonment.

Only three cities in the State are affected by the proposed measure, as there are but three that make provision by ordinance and contract for the collection and disposition of garbage. Of these cities St. Louis is the most important. That city already has cremating establishments at which the garbage of the city is collected and burned under contracts made in pursuance of ordinance. The garbage of that city is not thrown into the river, but is cremated. Therefore, although the law would apply to St. Louis, it would not necessitate any change in the method of handling garbage now in vogue in that city. At Kansas City and St. Joseph, it is different; they have no crematories or reduction works. A large part of the garbage, so called, collected in those cities is discharged in the Missouri river.

I am informed by the mayor and health officers of Kansas City that dead animals are not thrown into the river at that place, but are taken to desiccating or rendering establishments and there disposed of. I am told that a similar practice prevails at St. Joseph. If this bill should become a law, its effect would be to compel Kansas City and St. Joseph to establish crematories for the consumption of garbage. This would necessitate a large outlay of public money. Ought it to be done at this time, and on such brief notice? The good resulting from the law would be to prevent the throwing of garbage into the river. The garbage consists chiefly of refuse matter taken from the kitchen. It would be far better, of course, to have this refuse matter cremated than to have it thrown into the river. But when we reflect that all the sewerage of the cities is discharged into the river, it is manifest that the bulk of the matter which defiles the water would still find its way into the river. If this bill should become a law, it would keep out the garbage only, which is far less hurtful than the sewerage, and which constitutes but a small part of the unhealthful matter discharged into the river when compared to the larger volume transmitted through the sewers. The Missouri river is the only navigable river of the State which would be materially affected by the bill, and, as already stated, St. Joseph and Kansas City on the banks of that river, would be the only cities immediately affected by it. I am informed there is no town in Missouri between St. Joseph and Kansas City which obtains its water supply from the river. There is no Missouri town above St. Joseph that would be affected by the bill. Atchison, Leavenworth and Kansas City, Kas., are situated on the bank of the river only a few miles above Kansas City, Mo. Those cities would not, of course, be amenable to any law of this State. In view of these facts, I do not see how either St. Joseph or Kansas City would be benefited by this bill. Independence, Lexington, Boonville, Jefferson City, Washington and St. Charles are the towns below Kansas City which obtain their water supply from the

Missouri river. Independence is the only one of these towns near enough to Kansas City to be much endangered by the discharge of injurious matter into the water; but that danger, whatever it may be, is greater from the sewerage than the garbage. The other towns are far enough below Kansas City to be practically free from danger. I am advised by the officials of Kansas City that the finances of the municipality are in such condition that it would greatly embarrass the city if it should be required at this time to expend a considerable sum in the erection of crematories.

In view of the facts I have here suggested, I think it best to withhold my approval of this bill, and to again submit the matter to the thoughtful consideration of the General Assembly. The time will come, no doubt, when it will be necessary for the preservation of the public health to prevent the emptying of either sewerage or garbage into the waters of the State, but I do not believe that the conditions now existing make it necessary to enact a law like the one now under consideration.

Respectfully,

WM. J. STONE,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 23, 1895

From the Journal of the House of Representatives, pp. 1249-1250

To the Speaker of the House of Representatives:

I have the honor herewith to return, without my approval, House bill No. 445, entitled "An act to regulate the practice of the science of healing diseases and injuries without the use of drugs, known as osteopathy."

This bill provides that it shall be unlawful for any person in this State to practice the science of healing diseases and injuries without the use of drugs, known as osteopathy, without having first received a diploma from a legally

chartered or established school of osteopathy, and being duly registered as a practitioner by the clerk of the county court of the county in which he or she may reside. It further provides that any person who receives a diploma from such a school may present the same to the county clerk of the county of his or her residence, and upon making proof before the clerk that the diploma is genuine—that is, was issued by such a school—and that he or she is a person of good character, shall be registered, and shall thereafter be authorized to practice the science of healing of diseases and injuries without the use of drugs, known as osteopathy, in the State of Missouri. It also provides that if any such registered practitioner shall attempt to treat any patient while in a state of intoxication or under the influence of opiates, his license may be revoked. It also provides that nothing in this act shall be construed to interfere with the rights of legally registered physicians and surgeons to practice medicine and surgery, as taught by recognized medical schools under existing laws, or to confer any right upon any person graduating from a school of osteopathy to practice medicine or surgery by the use of drugs, or to perform any surgical operation requiring the use of surgical instruments. A violation of the law is made a penal offense, punishable by a fine of not less than fifty nor more than two hundred dollars. That is the bill, as presented to me.

Medicine and surgery are sciences. A judicious or successful practice of them requires a good general education, and a thorough knowledge of anatomy, chemistry, physiology, the obstetric art, the use of surgical instruments, and the like. The world has been greatly imposed upon by ignorant physicians, as well as by empirics and charlatans who play upon the fears and credulity of suffering humanity. The enlightened and learned men of the profession —those who despise deception and accept as true only those things that are demonstrated before the world—have labored assiduously for years to elevate the profession, and to exclude from its ranks those who do not possess the knowledge necessary to qualify them to deal intelligently with matters

directly affecting human life. By the force of public opinion and legal enactment, much has been accomplished in this direction. The law is undoubtedly imperfect. I think it safe to say that men are today licensed to practice medicine who are not qualified to properly discharge the delicate and important duties imposed upon a physician. This of course should be corrected. We now have a statute which forbids any itinerant vender of any drug, nostrum, ointment or appliance of any kind, intended for the treatment of disease or injury, to use the same in the treatment of diseases, whether by prescription, manipulation or other expedient, without paying a heavy license, which is practically prohibitory, and subjecting him to heavy penalties for a violation thereof. The effect of this bill would be to practically repeal that statute. Any person licensed to practice osteopathy, whatever that may be, could, anywhere in the State, treat any disease, injury or deformity by appliance, manipulation or process not requiring the use of drugs or surgical instruments, and call it the practice of the science of osteopathy. Who would know whether he was practicing osteopathy or practicing something else?

Osteopathy, whether called a science, an art, or by some other name, is a secret. Only those initiated into its mysteries know what it is, or would know whether any person professing to practice it was acting in good faith or otherwise. Under this bill any licentiate would be authorized to establish a school of osteopathy and to issue diplomas. What would prevent the filling of the State with people practicing any secret art, under the pretense of osteopathy and under the protection of their diplomas? The bill does not require any course of instruction in anatomy or physiology, or the knowledge of any science, or knowledge of anything, except osteopathy. Osteopathy consists of some description of manipulation of the human body or some part of it. I am informed by gentlemen of the General Assembly and others, who profess from personal observation and experience, and from conversation with those

practicing the art, to know whereof they speak, that it is claimed by the promoters and practitioners of osteopathy that the greater number of human diseases are occasioned by the displacement of some muscle or bone, or some unnatural pressure upon a nerve; and that some method has been invented or some discovery made whereby the exact point of displacement or pressure causing disease can be located; and that the cause can be removed by a process of manipulation. How all this can be done is a secret. This secret is called the science of osteopathy.

The treatment of many kinds and phases of human diseases by the art of manipulation is not a new thing. It has been practiced with more or less success for many years. I have known people who have received great benefit from what is termed the massage treatment. This treatment is practiced at nearly all bathing places, and is not unfrequently prescribed by physicians. It certainly can not be contended that the manipulators who administer the massage treatment in connection with water or Turkish baths should be required to have a diploma or a license. The principle of giving statutory recognition of, and sanction to, a secret process of treating human ills, does not receive my approval. I do not believe any such thing should be designated in the law as a science, or that any mysterious contrivance or practice should be recognized by legislative indorsement. With all due respect, I call attention to the fact that Senators and members have voted to authorize the establishment of schools of osteopathy to empower them to issue diplomas, to regulate the registering of licentiates, and to forbid any person, under penalty, to practice the science or art, or whatever it may be, without a diploma from such a school, without knowing or being able to know what osteopathy is. It is a secret.

I am told that many people have received great benefits by submitting themselves to these manipulations. I have no reason to doubt that. But if that be a good reason for statutory recognition of osteopathy, the same reason would obtain with equal force if applied to Christian science,

mesmerism, and other secret practices. We have all heard how the sick have been cured, the lame made to walk and the blind to see, by those who practice Christian science, mesmerism, etc. I knew an excellent lady in Kansas City who had been sick for many months, was wasted by lingering disease, and almost bereft of hope, who was induced to submit herself to the treatment of a Christian scientist. In an incredibly short time she was restored to health. A Senator in Congress related in my presence the experiences of his wife, who had been almost helpless for several years. She was induced to try Christian science. In two or three months she was seemingly a sound woman. Only recently a young lady at Sedalia, who had been lame for months, was suddenly restored by some mysterious operation of mesmerism.

But what is Christian science, and what the art by which the mesmerist can command the lame to take up their beds and walk? Shall the State give legal recognition to all these things before they are explained, and while their practices are still enveloped in mystery? I believe it would be unwise legislation, and that it would open a door which an enlightened public opinion has closed to prevent imposition. I withhold my approval from this measure with regret, because its enactment into law is so much desired by many good people whom I would be pleased to gratify; but my judgment is so pronounced against it that I feel constrained to return it without my approval to the General Assembly, for its further consideration.

Respectfully,

WM. J. STONE,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MARCH 26, 1895

From the Journal of the Senate, pp. 838-840

JEFFERSON CITY, March 26, 1895.

To the Secretary of State:

Sir—I have the honor herewith to transmit to you House bill No. 768, entitled

An act to appropriate money to pay the deficiencies in the expenses of the State government for the years 1893 and 1894.

Which reached me within the ten days next before the adjournment of the General Assembly.

The bill is approved, except the fourteenth item thereof, which is an appropriation of $135 for services and expenses of V. M. Hines as chairman of the Visiting Committee in 1892, and of $50 to Samuel P. Davisson for services as a member of said Visiting Committee—the total of the item being one hundred and eighty-five ($185) dollars. To this item of appropriation in the bill I object and withhold my approval. I object to this item for the following reasons:

1. It purports to be for a deficiency, when in fact there was no deficiency at the date of the passage of the bill. The Thirty-seventh General Assembly made an appropriation to pay the expenses of the committee appointed to visit State institutions, of which Messrs. Hines and Davisson were members under the appointment of Governor Francis. That appropriation was available from the date of the approval of the act making it, March 23, 1893, until March 23, 1895.

2. Under the law, it is made the duty of the Governor to appoint a visiting committee on the first of December following each general election, to be composed of one Senator and two members of the House. It is the duty of

the committee to inspect the various institutions of the State, and to report the result of their investigation to the General Assembly, within ten days after the meeting thereof, in the following January. In this instance, the committee did not make their report until between fifty and sixty days after the assembling of the Legislature. The question then arose, and was discussed between two members of the committee and myself, as to the time for which they are entitled to draw pay for their services thereon. The law allows the members of the committee five dollars per day and expenses while engaged in the discharge of their duties. It is the duty of the chairman, or acting chairman, of the committee, to certify the accounts for per diem and expenses, to the Governor, who, after examining the same, is required to certify them to the Auditor for payment, if found to be correct. In my view of the law, I held at that time that the members of the committee were not entitled to receive pay beyond the first ten days of the session, and then only in the event that that time was actually occupied in the necessary performance of their duties as committeemen.

On March 1, 1893, Senator Hines, as chairman of the committee, certified the accounts for per diem and expenses of the members of the committee from the date of their appointment on December 1, 1892, to the meeting of the General Assembly, on January 4, 1893, a period of thirty-five days. Those accounts I certified to the Auditor and they were paid. Subsequently Mr. Fogle, the representative from Schuyler county and a member of the committee, presented an account for per diem for the first ten days of the session, to wit, from January 4 to January 14, and also for certain expenses incurred in visiting institutions at Fulton, which account was properly certified by the chairman of the committee. That account was also approved by me and duly paid. Mr. Hines never at any time presented an account to me as required by law, for the ten days of service rendered, if any was rendered, immediately following the convening of the General Assembly. Some

time in January last, during the late session of the 38th General Assembly, Mr. Davisson, who is now a Senator, presented an account to me for $70, being per diem and expenses for the first ten days of the session of 1893. I had understood that he was not in Jefferson City during those ten days, but was confined at home by sickness. I said to him that I could not certify the account for payment unless Mr. Hines, the chairman of the committee, would certify the same to me as correct. He afterward sent the account to Senator Hines at his home, and, subsequently presented the same to me the second time. I again examined the account and returned the same to Senator Davisson with the following letter:

State of Missouri, Executive Department,
Jefferson City, Mo., February 8, 1895.

Hon. S. P. Davisson, Jefferson City, Mo.:

Dear Sir—I have examined the account you submit for my approval. This account is for services rendered and expenses incurred by you as a member of the committee appointed by Governor Francis in 1892 to visit and inspect state institutions.

On March 1, 1893, an account for your per diem, expenses, etc., was submitted to me and approved. That account was for 35 days, to wit, from December 1, 1892, to January 4, 1893, inclusive, at $5 per day, amounting to $175. The sum of $112.10 was also stated in said account for expenses. That account, aggregating $287.10, was approved and paid in March, 1893.

The account now presented is for 10 days' services, to wit, from January 4 to 14, 1893, being the first ten days of the session of the 37th General Assembly, at $5 per day, amounting to $50, and also for 10 days' board at $2 per day, amounting to $20—making a total of $70. The law requires that these accounts shall be submitted to the chairman of the committee, who shall certify to their accuracy, and thereupon they shall be submitted to the Governor for his approval. I think you are entitled to

receive per diem and expenses for the first 10 days of the session, provided the service was actually rendered and the expense actually incurred. As to whether the service was rendered or expense incurred, the Governor can be informed only by the certificate of the chairman of the committee. The certificate of the chairman attached to your account already allowed, like that attached to the accounts of the other members of the committee, is in these words:

I hereby certify that I have examined the above account, and find it correct.

March 1, 1893. V. M. HINES, Chairman.

The certificate attached to the account now under consideration is in these words:

I hereby certify that S. P. Davisson was a member of the committee above mentioned during the time charged for in this account.

V. M. HINES, Chairman.

He does not certify that any service was rendered by you for the period claimed, or that any expense was incurred: he does not certify that the account is correct, but simply that you were a member of the committee. As I recall the matter, you were not in fact present with the committee during the ten days claimed for, but on the contrary you were sick at home. If, as a matter of fact, you were not engaged in the work of the committee during those ten days, I do not see upon what theory your claim for per diem, and especially your claim for a board account at the rate of $2.00 per day, can be allowed. Of course, I may be mistaken as to the facts. If the service was rendered or the expense incurred, you should be paid; but I respectfully suggest that the chairman of the committee should in this instance, as he did on the other accounts, certify that he has examined the items of the account and that they are correct. During the first ten days of the session you drew your per diem as a member of the Legislature. If you were unable to attend to your extra duties as a member of the committee, and did not go away from

Jefferson City in the discharge of the duties of that committee, how can a claim for board be maintained?

I beg you to believe that I desire to treat your claim with the utmost fairness, and it is disagreeable to be obliged to withhold my approval of the account presented; but I do not see how I can justify myself in approving it without a proper certificate from the chairman, or without some satisfactory information as to the real facts in the case. I have no doubt if you should return the account to Senator Hines, he would make the necessary certificate if the facts would warrant him in so doing.

I herewith return the account.

Respectfully,

WM. J. STONE,

Governor.

Now, with money already appropriated and lying in the treasury available to pay these accounts, if they were fairly due, I am at a loss to understand why the requirements of the law should be entirely ignored, and a new and special appropriation be made at this time and tacked on to the deficiency bill with which to pay them. The amounts involved are not large, and the gentlemen in whose behalf the appropriation is made are distinguished citizens—one has been, and the other is, a Senator in the General Assembly. I confess a natural reluctance to withhold my approval of the appropriation, but it is an example that ought not to be set. I do not even know that Senator Hines claims that any sum is due him for services as a member of that visiting committee. If he does so claim, I do not understand why he permitted two years to pass without filing the claim for payment in the usual course of administration. If Senator Davisson rendered the services for which he claims, then I do not understand why the chairman of the committee should decline to certify that the items of his account are correct as required by law.

Respectfully,

WM. J. STONE,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 1, 1895

From the Journal of the Senate, p. 855

JEFFERSON CITY, April 1, 1895.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval,

House bill No. 533, entitled

An act to punish the falsely marking or stamping of the karat on any article of merchandise, gold or solid gold, and to prohibit the manufacture and sale thereof,

Which reached me within the ten days next before the adjournment of the General Assembly.

The enrolled bill does not follow the text of the bill as reported from the committee.

This measure, as presented to me, is utterly unintelligible and meaningless, and for that reason I withhold my approval.

Respectfully,

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 8, 1895

From the Journal of the Senate, p. 846

JEFFERSON CITY, April 8, 1895.

To the Secretary of State:

Sir: I have the honor herewith to transmit to you

House bill No. 798, entitled

An act to appropriate money for the support of the State government, the payment of contingent and incidental

expenses of the State departments, the public printing, the State pensioner, and for the payment of certain other demands against the State for which no appropriation has heretofore been made, for the years 1895 and 1896.

This act is approved, except as to section 35.

Section 35 appropriates four hundred dollars, or so much thereof as may be necessary, for the redemption of Union military bonds which may be presented for payment in 1895 and 1896. These bonds were authorized by an act approved March 9, 1863, and subsequent supplementary acts. They were issued to pay the militia, or for indemnity for expenses incurred in suppressing the rebellion. They were issued in denominations of $1, $3, $5, $10 and $20, and were made payable out of a special fund designated as the "Union Military fund," to supply which certain revenues were provided. The bonds were made payable twelve months after date, and to bear 6 per cent interest. The total amount authorized by the act approved March 9, 1863, was $3,000,000. By an act approved February 20, 1865, an additional issue of $2,000,000 was authorized, and by an act approved December 20, 1865, a further issue of $1,400,000 was authorized. The total amount of these Union military bonds authorized and issued under the acts referred to was $6,400,000.

By reference to the Auditor's report for the years 1883-4 it appears that between March 31, 1864, and March 24, 1883, $6,406,126 of these bonds were redeemed and canceled. The Auditor's report also shows that on these bonds the sum of $406,726.52 was paid as interest. Thus it will be seen that the aggregate amount of Union military bonds paid by the State up to the last date mentioned was $6,126 greater than the amount issued. Since March 24, 1883, the Thirty-third, Thirty-fifth and Thirty-sixth General Assemblies made appropriations to take up certain of these bonds, as follows: In 1885, $153; in 1889, $272, and in 1891, $11—making a total of $436. It appears, therefore, that $6562 more of these bonds have been paid than were ever authorized to be issued. In view of this, I do not see

upon what theory an appropriation should be made to pay such additional bonds as might be presented during the next two years. Evidently several thousand dollars of fraudulent bonds have been already presented and paid. If it is claimed that genuine bonds of this issue are still outstanding, it would seem that ordinary prudence would require that some investigation be made and such action taken as will protect the State from imposition, before additional appropriations are agreed to.

Respectfully,

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 8, 1895

From the Journal of the Senate, p. 856

JEFFERSON CITY, April 8, 1895.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon,

House bill No. 676, entitled

An act to provide for the payment of expenses of trial of causes and changes of venue,

Which reached me within the ten days next before the adjournment of the General Assembly.

I think this measure, if enacted into law, would result in much confusion and would be difficult to observe in practice. I cannot see that any good would result from it, but it would lead to much confusion.

Respectfully,

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 9, 1895

From the Journal of the Senate, p. 856

JEFFERSON CITY, April 9, 1895.

To the Secretary of State:

Sir—I have the honor herewith to forward to you, without my approval indorsed thereon, the following bills which reached me within the ten days next before the adjournment of the General Assembly:

House bill No. 781, entitled

An act concerning primary elections in cities now having and hereafter having one hundred thousand inhabitants or more.

Unquestionably the present primary law is very defective, and should be materially amended; but in my judgment the bill now before me is worse even than the present law. If this measure should find a place upon the statute books it would result in confiding party nominations almost wholly to the local party committees. Past experience should serve as a warning against a return to that system. I feel confident that this bill ought not to become a law.

Senate bill No. 32, entitled

An act to amend section 1656, of chapter 30, article 5, of the Revised Statutes of Missouri of 1889, entitled "Cities, towns and villages."

In my judgment, this bill is in conflict with the Constitution, and seeks to confer powers upon boards of alderman that it would be unsafe to clothe such bodies with.

Respectfully,

WM. J. STONE,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1895

From the Journal of the Senate, pp. 856-857

JEFFERSON CITY, April 19, 1895.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon,

House bill No. 175, entitled

An act to amend section 7079, of chapter 116, and section 7091, of chapter 116, of the Revised Statutes of the State of Missouri, as amended by an act entitled an act to amend section 7091, of chapter 116, of the Revised Statutes of the State of Missouri, 1889, entitled "Mortgages and deeds of trust," approved March 30, 1893, and to enact a new section, to be known as section 7091 a, relating to mortgages and deeds of trust, and providing for redemption in cases of foreclosure, and to repeal section 7080 of said chapter.

This bill reached me within the ten days next before the adjournment of the General Assembly.

A bill almost identical with this passed the 37th General Assembly. I then felt it my duty to withhold my approval. And for the same reasons, which are fully stated in my message to the Secretary of State of April 20, 1893, I withhold my approval of the present measure.

Respectfully,

WM. J. STONE,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1895

From the Journal of the Senate, pp. 857-858

JEFFERSON CITY, April 19, 1895.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon, the following House bills, which reached me within the ten days next before the adjournment of the General Assembly:

House bill No. 323, entitled

An act entitled "An act to establish a court of criminal correction in all counties in this State having a population of 60,000 inhabitants and not over 100,000 inhabitants, in which there now is or hereafter may be established a court of exclusive criminal jurisdiction, and to divest justices of the peace of jurisdiction in criminal cases in such counties, and to define the powers and duties of such court of criminal correction when the same is established."

House bill No. 462, entitled

An act to repeal sections 2, 3, 6, 7 and 12 of an act entitled "An act to establish a criminal court in Buchanan county, and to provide for the appointment and election of the judge thereof, fixing his compensation, and to define the powers and jurisdiction of said court," approved March 24, 1885, and to enact five new sections in lieu thereof.

Section 1 of House bill No. 323 provides for the establishment, in counties having a population of 60,000 and not over 100,000 inhabitants, of a court of record, to be called "The Court of Criminal Correction." The 17th section of this bill provides that all jury trials in said court shall be by a jury of six men, unless a less number be agreed upon. The Constitution of the State provides that in courts of record juries must consist of twleve men. Thus it will be seen that in a most important particular the bill referred

to is in conflict with the Constitution, and for that reason alone my approval should be withheld. But there are other reasons which seem to me to be conclusive why this bill, No. 323, should not become a law. It would apply to Buchanan county only. It provides that the judge of the criminal court shall be *ex officio* judge of the court of criminal correction. The 4th section of the bill provides that the court of criminal correction shall be in session each and every day in the week except Sundays and State and national holidays. At the sessions of this court the criminal judge is required to preside. He is made a committing magistrate. If he could hold both courts at the same time, I still believe it would be unwise to have the criminal judge hear the evidence, bind a prisoner over to answer at the criminal court, then instruct the grand jury, and afterward preside at his trial on indictment. I believe the proposed system of judicial administration would result in inextricable confusion. If a court of criminal correction is really necessary in Buchanan county, it is clear to me that it ought to be entirely distinct from the criminal court, and subject to its supervision.

If bill No. 323 fails to become a law, there is no occasion for the passage of bill No. 462, as the latter is simply a supplementary enactment to the former. Accordingly, I withhold my approval of both.

Respectfully,

WM. J. STONE,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1895

From the Journal of the Senate, p. 858

JEFFERSON CITY, April 19, 1895.

To the Secretary of State:

Sir—I have the honor to forward you herewith, without my approval indorsed thereon,

Senate bill No. 272, entitled

An act to create election districts for justices of the peace and constables in the city of St. Louis, and to provide for the election and appointment of such justices and constables, and to prescribe the qualification and jurisdiction of such justices and constables, and to provide for the administration of justice before such justices of the peace.

Which reached me within the ten days next before the adjournment of the General Assembly.

In my opinion this act does not comply with sections 53 and 54, of article 4 of the Constitution of the State. In addition to this objection, the bill fails to provide justices of the peace for a large part of the city. Almost the entire delegation representing the city of St. Louis in both houses have requested me to withhold my approval of the bill.

Respectfully,

WM. J. STONE,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1895

From the Journal of the Senate, pp. 858-859

JEFFERSON CITY, April 19, 1895.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon,

Senate bill No. 322, entitled

An act to amend chapter 47, article 8, of the Revised Statutes of Missouri, 1889, entitled "Offenses against public morals and decency," by adding a new section thereto, to be known as section 3849a.

This bill provides that no person shall establish or carry on any soap factory, candle factory, oil factory, etc., etc.,

without first obtaining a permit from the county court, or, in the City of St. Louis, from the mayor. The measure, if it should become a law, would not only affect factories hereafter established, but those already in operation. It is no doubt true that establishments of the kind mentioned are frequently offensive to the neighboring residents, but the law for the suppression of nuisances is ample and complete. It does not seem a prudent thing to empower a single executive officer to arbitrarily deny a license and thereby make it an offense for the owners of such establishments already in operation to continue their business. In many of these enterprises large investments have been made. I am unable to approve a proposition that might now result in practically destroying these investments upon the mere say-so of a single executive officer, without any right of redress in the courts. If any establishment now existing is a nuisance, it can be abated by a resort to the law. If the bill referred only to factories to be hereafter established I would approve it, but in its present form I feel that I ought to withhold my signature.

Respectfully,

WM. J. STONE,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1895

From the Journal of the Senate, p. 859

JEFFERSON CITY, April 19, 1895.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon,

Senate bill No. 405, entitled

An act to amend section 3812, article 6, chapter 47, of the Revised Statutes of Missouri, 1889, regulating the location of bawdy houses,

Which reached me within the ten days next before the adjournment of the General Assembly.

I am strongly inclined to doubt the constitutionality of this measure. But aside from that, there appear to me to be abundant reasons founded in public policy why the bill should not become a law. I state one proposition which seems to me to be alone sufficient to prove the unwisdom of the measure. The bill provides that the Board of Police Commissioners may establish certain districts within which the maintenance of a bawdy-house shall be only a misdemeanor, and that the keeping of such a house outside said districts shall be a felony. Although the statute making the keeping of bawdy-houses a misdemeanor is not expressly repealed, it does seem that when prostitutes are compelled to reside within given boundaries, there is an implied agreement that they will not be molested. I can not get my consent to approve the bill.

Respectfully,

WM. J. STONE,

Governor.

SPECIAL MESSAGES

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1893

From the Appendix to the Journals of the General Assembly, 1893

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
February 21, 1893.

To the Senate and House of Representatives of the Thirty-seventh General Assembly:

I have the honor to transmit herewith preamble and resolutions adopted by the World's Fair managers for Missouri, relating to the disposition of the exhibits to be made by this State at the "World's Columbian Exposition" at Chicago during the present year, to which I respectfully and urgently invite the attention of the General Assembly. By reference to section 8 of the act of March 27, 1891, providing for the collection, arrangement and display of the products of this State at said exposition, it will be observed that it is provided, among other things, "that at the termination of the fair all mineral specimens, or peculiar specimens of wood and engravings, be turned into the State Bureau of Geology and become a part thereof, except such engravings and other articles and specimens as may be placed in the charge of said commissioner by private citizens, and the proceeds of all property sold which was built or made by reason of this appropriation shall be turned into the State revenue."

It will be thus seen that at the close of the fair, mineral specimens and peculiar specimens of wood and engravings are to be turned into the Bureau of Geology for preservation and safe-keeping, and that all other property belonging to

the State shall be sold and the proceeds turned into the revenue fund. That part of the exhibits required to be turned over to the Bureau of Geology, while constituting an important feature of the exhibition, will, in fact, be but a comparatively small part of the whole. The greater part of these exhibits, under the law as it now stands, would be sold and the proceeds paid into the treasury. I regard this as an unfortunate provision of the statute. The collection the State will have at Chicago will be a large and valuable one. Aside from that part required to be delivered to the Bureau of Geology, there will be a specimen of every fish known to our waters, of every bird to be found in the State, and a large number of animals, all preserved in the highest art of the taxidermist. There will also be a magnificent collection of agricultural and horticultural products, exhibiting the productive capacity of the State in these respects. There will also be an extensive collection of all stone and wood to be found within our borders, and a great variety of other specimens illustrating the natural wealth and the industrial achievements of the State. There will also be a large number of beautiful and artistic exhibition cases, obtained at considerable outlay, that ought not to be sacrificed.

This exhibition, I have no doubt, will prove of inestimable value to the State as an exhibition of our resources at this great exposition. The exhibits collected there belonging to the State will have been gathered at a cost of $75,000 to $80,000. They will be extensive in quality and variety, and rare and valuable as a collection. It would require a large sum to replace them. In consequence I would esteem it a misfortune to have the greater part of this collection sacrificed for a song under the hammer of the auctioneer. The entire exhibit ought as far as possible, to be preserved. In my judgment it would be the part of wisdom and economy to repeal that part of section 8 quoted above, and in lieu thereof to provide that the entire collection should be preserved and returned by the commission to this State at the termination of the Chicago Exposition,

and be delivered to the State University to become a part of the permanent museum established there. The cost of doing this would be small, and it would be of incalculable value to this great educational institution.

I think it would be better not to divide the collection by storing a part of it in the Geological Bureau and a part of it only at the University. The Geological Bureau is not a permanent establishment of the State Government. The surveys may be discontinued at any time, and the work at most will be completed in a few years. The bureau will then cease to be an important establishment of the State. But the University is with us for all time. It is a school where the young men of the entire State are to receive the benefits of higher education. This exhibit, preserved in the museum of that institution, would serve a double purpose—first, as showing the liberal enterprise of our people in providing it, and secondly, as showing the resources of the State—and would be of value to our sons in both respects. It would serve an excellent purpose as an educational feature of the University.

I suggest also that it would be well to authorize the commissioners to receive contributions from individual exhibitors and from other States and countries, and to provide that such contributions, when placed in the museum, should be so labeled as to give credit and honor to the donors.

Respectfully,

WM. J. STONE,

Governor.

RESOLUTIONS TRANSMITTED

Whereas, by the eighth section of the act of the General Assembly, entitled "An act to provide for the collection, arrangement and display of the products of the State of Missouri at the World's Columbian Exposition of 1893, and to make an appropriation therefor," approved March 27, 1891, it is provided.

That at the termination of the Fair all mineral specimens and peculiar specimens of wood and engravings be turned into the State Bureau of Geology and become a part thereof, except such engravings and other articles and specimens as may be placed in charge of said Commissioners by private citizens, and the proceeds of all property sold, which was built or made by reason of this appropriation, shall be turned into the State revenue; and

Whereas, there will be on hand at the termination ot said Fair, as the property of the State, large and valuable collections of fish, birds, agricultural and horticultural products, and the cases necessary for their preservation and display, and other valuable specimens which the commission will be obliged to sell under the provisions of the act herein above referred to, thereby resulting almost certainly in the sacrifice of same; and

Whereas, the Bureau of Geology to which the Commissioners are required to deliver, at the termination of the Fair, all mineral specimens or peculiar specimens of wood engravings, is not a permanently established Bureau of State Government; and

Whereas, The specimens of minerals and peculiar specimens of wood and engravings belonging to the State will be rare and valuable, and should be permanently preserved for the information of the people and the education of the children of the State:

It is therefore resolved, by the Board of World's Fair Managers for Missouri, that it is the opinion of the Board that all specimens of every character collected for exhibition at said Fair, being the property of the State, should be stored and preserved in some permanent museum provided for that purpose.

Resolved, further, That the Board respectfully recommend to the General Assembly that all said specimens should be deposited and permanently preserved in a museum established in connection with and as a part of the State University, thereby laying the foundation upon which may be

erected the splendid super-structure of a State Museum for the permanent display of Missouri's marvelous resources.

Resolved, further, That in the opinion of the Board, that the owners of specimens belonging to private persons, and put in charge of the Board for exhibition at the Fair, should be invited by the General Assembly to contribute such specimens to the museum, to be deposited, labeled and accredited in such a manner as the General Assembly may provide.

Resolved further, That it is the sense of this Board that a reasonable sum should be appropriated for the purpose of defraying the expense incident to the return of these specimens to the State, and their proper installation at the University.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1893

From the Appendix to the Journals of the General Assembly, 1893

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, February 23, 1893.

To the Senate and House of Representatives:

I feel constrained to call the attention of the General Assembly to a matter which I consider one of grave importance. I refer to the imprisonment of county judges under the process of the Federal courts. Today the judges of the county court of St. Clair county are imprisoned in a common jail at Kansas City, under the order of the United States Circuit Court for the Western district of Missouri. The offense for which they stand imprisoned is disobedience to the order of the said circuit court, commanding them to levy certain taxes on the property of the people to pay certain judgments rendered in that court against the county, on bonds issued ostensibly to aid in the construction of a railroad. These bonds were issued soon after the war, at a time when disorder generally prevailed in that section of

the State, when a large number of the tax-payers were disfranchised and denied all voice in determining whether the bonds should be issued, and all representation in the conduct of public affairs. The bonds were issued to an irresponsible corporation, ostensibly to aid, as I have said, in the construction of a railroad, although not a foot of road has ever been constructed, and the enterprise has been long since abandoned. The people of the county have always and uniformly maintained that the law, as it then stood, was not complied with by the *de facto* authorities then in control of the county in issuing the bonds; that they were fraudulently and illegally issued. I am informed that the first suits in which the legality of the bonds was tested was brought in the State circuit court, and that that court held that the bonds had been issued in contravention of the constitution and laws of the State, and were therefore void and of no effect. But the bondholders, not content to abide the decision of the State court, brought suit on other bonds in the United States court, and that court held the bonds to be commercial paper, valid and binding on the county. Since then a contest has been going on in the Federal court between the bondholders and the people, one seeking to enforce, the other to resist, the collection of the bonds. Judgments are rendered against the county on the bonds, and mandamuses are then issued to the county judges, commanding them to levy and cause to be collected sufficient taxes to pay the judgments. I am informed that the judgments in said circuit court now standing against St. Clair county aggregate about $70,000. Because the judges refused to obey the writ of mandamus commanding them to levy a tax to pay these judgments, they have been committed to jail for an indefinite period for contempt.

I have thus briefly outlined the history of this controversy that the General Assembly may be advised of the facts, and not because I esteem the greater part of it as being of any special importance to the present consideration. For the purposes of the present consideration, I do not care to inquire whether the bonds are legal or illegal. My im-

mediate purpose is to call attention to the fact that the county judges of this county are restrained of their liberty, at a point remote from their homes, and, I am informed, will not be permitted to return to discharge any official duty until they consent to levy the tax required by the order of the Federal court. This they refuse to do—first, because the people of the county who regard the bonds as fraudulent are exasperated at a judicial decree which they regard as vicious and unmindful of all better precedent and of the public right, and therefore forbid it; and secondly, because they cannot levy so large a tax as they are commanded to levy for this purpose without violating the statutes of the State, and thereby subjecting themselves to indictment and severe penalties imposed by the courts of the State. Under the laws of this State the judges of the county court have absolutely no original power to levy such tax. The law of the State authorizes the county courts to levy taxes to a limited extent—in the counties of the class of St. Clair, to the extent of one-half of one per cent, or 50 cents on the $100 of valuation. But that tax is expressly declared to be for the purpose of meeting the current county expenses, and for that only. The constitution and statutes of the State confer jurisdiction upon the county courts to levy this limited tax for specific purposes, and the same laws specify the uses to which these revenues shall be appropriated; that is to say, for purely county purposes—for the support of the poor and insane, for roads and bridges, for the payment of salaries of county officials, for witnesses and jury fees, election expenses, and the like. The laws of the State provide that the county court shall have no original jurisdiction to levy any other tax; and if a necessity exists for an additional tax to pay an existing debt, or there is any occasion for an extraordinary tax, another course of proceeding is required. No original jurisdiction is conferred upon the county courts to levy a tax to meet any such extraordinary demands; but, on the contrary, such jurisdiction is expressly withheld. When the necessity for an extraordinary tax exists, the law requires that the county court shall cause

the county attorney to prepare and present a petition to the State circuit court, which is a court of common-law jurisdiction, or to the judge in vacation, setting forth the reason and the necessity for the tax, and all the facts connected with it; and the circuit court or judge shall examine the petition, and after understanding the facts, if he shall hold that the debt is a valid one and the tax a proper one to be levied, he can issue his order authorizing and empowering the county court to levy the tax; which order may be a continuing one from year to year as long as the necessity for the tax exists, or until it is revoked by the order of the court which made it.

The county court, I say, is devoid of jurisdiction and power to levy the tax in the first instance. The power to make the levy does not exist until the circuit court confers it in the manner provided by law. This view of the law has been distinctly and repeatedly affirmed by the Supreme Court of this State. Any violation of this law would subject the county judges to heavy penalties and the forfeiture of their offices.

I am informed that a few years since an application was made, as provided by statute, to the circuit judge for an order to levy a tax to pay judgments rendered on these bonds in the Federal court; but that the circuit judge, holding the bonds to be void, refused to authorize the levy. The county judges, therefore, are, as they contend, without authority to make the levy required by the order of the Federal court, and any attempt to make it would subject them to the penalties of the law. Thus these State officials are placed helpless between these contending forces. If they attempt to levy the tax, they are liable to be visited with severe punishment from the State courts, sitting in a county where the people would sternly resent such a levy; and if they decline to levy, they are deprived of their liberties and confined in a common jail, far from home, in the company of every class of criminals. This alone presents a grave and serious question for the consideration of the General Assembly, representing, as it does, in so high a degree the

dignity, power and sovereignty of the State. The practice of the Federal courts in disregarding the decisions of the State courts in their interpretation of the constitution and laws of the State, and in dominating and overriding the authorities of the State, is of recent growth in our history. Prior to December, 1863, the Supreme Court of the United States, by a long and unbroken chain of decisions, had established the doctrine and observed the rule of following the latest decisions of the Supreme Court of a State in the construction of its own constitution and laws.

In the case of the United States vs. Morrison, 4 Peters, 124, Chief Justice Marshall reversed his own decision in order to conform to a later opinion of the Court of Appeals of Virginia in the interpretation of local laws. In the case of Green vs. Neal, 4 Peters, 291, the Supreme Court of the United States overruled two former decisions of its own, based upon former decisions of the State court of Tennessee, in order to follow a later decision of the State court, after the law had been supposed to be settled for many years. This had been the doctrine and the rule through eighty years of our history.

In 1863 the tide turned. It is curious to note the circumstances out of which this revolution in judicial opinion sprang. It was a bond case. One Aspinwald was the owner of certain coupon-bonds of Knox county, Indiana, upon which judgment was obtained before the Circuit Court of the United States for that district. Failing to realize by execution, a mandamus was issued to the commissioners of Knox county, commanding them to levy a tax, under the laws of the State, to pay the judgment. This was the first instance in which a Federal court ever issued a writ of mandamus to a State officer in the history of this Government. Soon after came the case of Gelpcke vs. the city of Dubuque, 1 Wallace, 175. This was an action founded on municipal bonds issued in aid of a railroad. The Supreme Court of Iowa had held that the law under which the bonds were issued was unconstitutional; but the Federal courts, overturning the old established doctrine, complacently held

that they were not bound by and would not follow the decision of the State court, interpreting its own constitution, and accordingly held the law constitutional and the bonds valid. Justice Miller, who rendered a masterful dissenting opinion, among other things said:

"The Court has in this case taken a step in advance of anything heretofore decided by it on this subject. That advance is in the direction of a usurpation of the right which belongs to the State courts, to decide as a finality upon the construction of State constitutions and State statutes. This invasion is made in a case where there is no pretense that the State constitution, as thus construed, is any infraction of the laws or constitution of the United States."

The next important step in what Justice Miller denominates this march of judicial usurpation was taken in 1867, in the case of Riggs vs. Johnson county, 6 Wallace, 166. This was the greatest stride of all up to that date. Johnson county, Iowa, had issued bonds in aid of a railroad. The Supreme Court of the State held the law under which the bonds were issued to be unconstitutional. An injunction had been issued by the State court and served on the county commissioners, forbidding and restraining them from levying any tax to pay the bonds. Suits were brought on the bonds in the Federal court, and that court, disregarding the decision of the State court, held the law constitutional and the bonds valid. To enforce the judgments thus rendered, a mandamus was issued commanding the county commissioners to levy a tax, notwithstanding the injunction resting upon them from the State court. The United States Supreme Court held that the injunction was no protection to the commissioners, but that they should obey the mandate of the Federal Court, although in doing so they rendered themselves liable to attachment and punishment for contempt for violating the injunction. Again Justice Miller rendered an able and exhaustive dissenting opinion, in which he was sustained by Chief Justice Chase and Justice Grier. It would be well if this great opinion of this great

constitutional lawyer could be read by every lover of liberty in the Republic.

But I cannot pursue this history further, nor is there need that I should. Step by step this usurpation of power by the Federal judiciary has gone, until now we find here that the judges of the county courts of Missouri are imprisoned because they decline to obey an order which commands them to do an act in violation of the laws of the State, declared by those laws to be a criminal act, and which our Supreme Court holds they have no authority to perform, and the doing of which would subject them to heavy fines and penalties. And these are the purely local officers of the State, holding their places solely by the authority of the State, existing only for the purpose of conducting the machinery of local government. This is in and of itself an absolute subversion of all State power, and all pretense of State sovereignty. And though it comes with the sanction of the Supreme Court of the United States, I believe it is likewise subversion of the constitution of the country. In one of the cases to which I have alluded, Justice Miller said:

"With all the respect which I have for this court, and for my brethren who differ with me, I take the liberty of saying it has no right to set aside all precedent and disregard established rules, in the belief, however confidently entertained, that it is done in the cause of justice."

The division line between Federal and State powers ought not to be obscure. It is reasonably clear. As late as 1870, the Supreme Court of the United States, in the case of Collector vs. Day, 11 Wallace, 124, said:

"The General Government and the State, although within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme; but the States, within the limits of their powers not granted, or, in the language of the Tenth amendment, "reserved," are as independent of

the Federal Government, as that Government, in its sphere, is independent of the States."

That is the old and correct constitutional doctrine. And yet, strange as it may seem, the very court making that declaration approves and upholds a practice that would overturn and destroy the States if pushed to its logical extremity; for under that practice every executive officer of the State from the Governor to constable, and every judicial officer from the Supreme Judge to the justice of the peace, may be imprisoned if they refuse to violate their oaths and the laws of the State by rendering obedience to the mandate of a Federal district judge.

But there is another phase of this question, of immediate importance to the State, to which I wish to call attention. These county judges are the judges of a court of record. They not only represent a part of the judicial machinery of the State, having jurisdiction to issue writs of habeas corpus and injunction, and over a multitude of important judicial matters; but they also audit all accounts against the county, draw all warrants on the treasury, distribute and control the public school funds, revise the assessments of property for taxation, levy taxes for county purposes, order the extension of all taxes on the collector's books, and, in short, are the most important and indispensable of all our officers in the administration of county affairs, and among the most important in the administration of State affairs. Under our statutes, as they now exist, if for any cause the county judges are unable to discharge their duties, no revenues can be provided for the maintenance of the county governments, the State will be greatly hindered and embarrassed in the collection of its revenue, and the public eleemosynary, educational and penal institutions will be deprived of funds necessary to their support. To imprison the county judges is to bring disaster upon the State. The imprisonment of the St. Clair county judges is not an exceptional event in this commonwelth. Scarcely a month has elapsed since the judges of the county court of Cass county bore their St. Clair county brethren company in the

same criminal cells. It is an event which has occurred not infrequently in this State.

In view of these facts, to which I have the honor to call your attention, and in view of the gravity of the situation, I urgently recommend to the gentlemen of the General Assembly that they take some suitable action, first, to assert the outraged dignity of the State, and secondly, to protect the State and counties against the embarrassments likely to arise from the confinement of the county officials; and in this behalf I would recommend:

First—That the General Assembly, by joint and concurrent resolution, memorialize the Congress to so limit, by statutory enactment, the jurisdiction of the Federal courts as to forbid them from compelling any State officer, by mandamus or other writ, to perform any official act arising under or authorized to be done by the laws of such State.

Secondly—That the General Assembly provide by law that whenever a majority of the judges of any county court shall from any cause be unable to discharge any duty imposed upon them by law, the Governor may designate and appoint a special judge, and commission him with special authority to do any given act required to be done by the express provisions of the statutes by the county court; and providing that such appointee, after accepting the commission, shall duly qualify in such manner as may be fixed by the law—his commission, power and authority to cease upon the completion of the special purpose for which he may be appointed. In this way the business of the counties and the State can be carried on, without subjecting the officer charged with public duty to arbitrary imprisonment. This course can be justified before an enlightened, patriotic public opinion, as a necessity to the maintenance and preservation of our local government.

The unusual difficulty and importance of this grave question is my apology for the length of this communication.

WM. J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 6, 1893

From the Appendix to the Journals of the General Assembly, 1893

To the Senate and House of Representatives:

Gentlemen—I desire to direct your attention briefly to the State University. With the sad misfortune which befell that institution something more than a year ago, resulting in the destruction of the main edifice by fire, all of you are familiar. It was a serious blow, and threatened for a while to obstruct and interfere, with the educational policy and progress of the State. The representatives of the people, however, when assembled, undaunted by the calamity, faced the situation and met the emergency in a manner worthy the intelligent constituency and the great commonwealth they represented. They promptly provided means to begin the work of reconstruction on a larger and more munificent scale, and one more in harmony with the importance of such an institution in the fifth State of the American Union. They appropriated the sum of $236,577 for the purpose of constructing certain buildings for the use of the University, according to plans and specifications to be prepared by the Board of Curators and submitted to the Governor, State Auditor and Secretary of State for their approval. In compliance with the terms of the act making this appropriation, the Board of Curators, with the approval of the State officers named, have, with the money thus appropriated, constructed, or are constructing, six departmental buildings on the University campus. Those buildings are:

1. The Law building, 68½ x 114½ feet, two stories high, with a basement.

2. The Chemical building, 132 x 90 feet, two stories high, with a basement.

3. A building combining the departments of Geology and Biology with a Museum, 46 x 100 feet, two stories high, with a basement.

4. The Physics and Engineering building, 145 x 78 feet, two stories high, with a basement.

5. The Manual Training building, 108 x 117 feet, two stories high with a basement.

6. The Power-house, 72 x 86 feet, one story high.

These buildings have been carefully constructed on plans having in view both permanency and beauty; they will be practically fire-proof, and will combine the architectural virtues of strength and attractiveness. In this group of buildings are to be found also the Agricultural Departmental building and the President's residence, which were spared by the disaster which swept away the University proper. The work of reconstruction has been pushed forward as rapidly as possible, and with an affectionate zeal on the part of those to whom it was committed which is commendable in the highest degree. During this period the educational work of the University has been prosecuted and maintained with a degree of energy and success almost marvelous, and which entitles the Faculty in charge and the students, who have stood up so heroically for the institution under circumstances so adverse, to the admiration and applause of the people. So far the State has responded nobly to the demands of its chief institution of learning, and has manifested a determined purpose to make its misfortune end as a blessing. The Curators come now and submit to the representatives of the people a request to supply the means necessary to construct the main University building. The plans which their accomplished architect has outlined have been exhibited for your inspection. The building, as thus proposed, I am free to say, is not planned on a scale as large and magnificent as I would like it, for this structure is to stand for all time as a monument expressive of the enterprise, culture and civilization of this day and generation, and will represent to our children the standard by which those of us who are to act for the people in this

emergency measure the value of our high institutions of learning. Still, it would be a building not unworthy of the State, and one we could point to, if not with positive pride, at least with tolerable satisfaction. To construct this building it is estimated by the architect, who has proven himself to be exceedingly careful and accurate in his estimates, the sum of $250,000 will be required; which sum I urgently recommend to be appropriated for that purpose.

In this connection it is proper for me to state that the revenues of the State are now in condition to justify this appropriation. Since the passage by the present General Assembly of the act increasing the license tax, the estimated revenues for the ensuing biennial term aggregate $4,103,000. The estimated expenditures for all purposes, including the sum herein recommended for the University main building, aggregate $4,033,455; so that if all the appropriations which have been or as I am informed are to be, recommended by the House Committee on Appropriations, and which are covered by the bills reported or to be reported from that committee, should be made, the estimated revenues would still exceed the estimated expenditures by the sum of $64,545. If the General Assembly should concur in the recommendation herein made, I would suggest that not exceeding $100,000 of the $250,000 should be used during the year 1893, and that the remainder should be used during the year 1894. I make this suggestion because the income derived in 1894 from the increased license tax will be double that derived from that source during the present year. This arrangement would therefore more readily accommodate the necessities of the treasury.

In support of the recommendation which I have the honor to make, it might not be amiss to direct the attention of your honorable body to the fact that so far the taxpayers of the State have been called upon to contribute practically nothing in the work of reconstructing the University. Of the $236,577 appropriated March 24th, 1892, and which have been used, or are being used, in the construction of the six departmental buildings above referred

to, $146,577 thereof were derived from the insurance carried on the building destroyed by fire; $50,000 thereof were contributed as a donation by the citizens of Columbia and Boone county; and $40,000 were derived from a fund accumulated in the treasury from the Insurance department. Not a dollar, therefore, of this entire appropriation was collected in the form of general taxation. The departmental buildings have been constructed out of means procured in the way indicated, and the State at large is now asked for the first time to contribute the means necessary to continue and complete the work of reconstruction. The sum asked for this purpose, so far from being extravagant, is a modest one. I feel assured your honorable body will not deny to the children of our Commonwealth the opportunities enjoyed by those of other states. The path of the University is upward and its step is onward. I have a profound faith that we are about to have established here on the soil of Missouri the greatest and most commanding institution of learning found anywhere among the great states of the Southwest. Missourians are justly proud of the high place they have achieved among the most enlightened states of the Union and of the world. Our common school system is unexcelled by that of any other state in the opportunity it affords our children to enjoy its benefits, and in the character and efficiency of its work. Missouri has the largest available public school fund belonging to any state in the Union. We are accustomed to boast, and to do so with absolute truth that the school-house is to be found on every hillside and nestling in every valley. Our high schools and normal schools are numerous, splendidly equipped, and are unsurpassed in all respects by similar institutions elsewhere. In every city and town of importance are to be found colleges and seminaries maintained by private enterprise or supported by religious denominations. But over and above all these, great and splendid as they are, stands the University as the crown of glory to the whole educational system of the State, where the youth of this and surrounding states may gather to equip themselves with the highest and broad-

est culture possible, to go forth to serve the State in any and every field of human endeavor. The misfortune which befell the University arrested its progress; but the young men attending the institution at that time rallied to its support, and have stood by it with fidelity and affection. They have watched the progress of its rebuilding with pleasure and hope. I fear the consequences to the further progress of the institution if these young men, and hundreds of others, should now be disappointed in their just expectation.

I am officially informed that the requirements of the act of March 24, 1892, that the town of Columbia shall, without expense to the State, provide and furnish a sufficient water supply for the University building to protect it against fire in future, will be fully complied with. The bond required by that act has been made, approved and filed, and a franchise has been granted to a leading citizen of St. Louis authorizing him to construct a system of waterworks ample for all purposes; and the work of construction, I am informed, has been already initiated.

Before concluding, I ask leave to direct attention to the fact that when the University buildings have been completed and equipped, the revenue now annually flowing into that institution from different sources will probably be sufficient to support it without drawing upon the treasury of the State. The annual income of the University is now between $80,000 and $90,000. The institution will be at least substantially self-sustaining. To be entirely frank, however, I do not hesitate to say that the annual income, as above stated, is far short of what I would be glad to see it. In a recently well-prepared article on the subject of Universities, I find that the annual income of different institutions is stated as follows:

University of Michigan	$320,000
University of Wisconsin	260,000
Cornell University	500,000
University of Iowa	120,000
University of Ohio	176,000
University of Minnesota	170,000

University of Illinois	$175,000
Leland Stanford University (California)	1,000,000
Yale University	510,000
Harvard University	987,880
Columbia College	650,000
Johns Hopkins University	195,000
University of Virginia	111,455
Vanderbilt University (Tennessee)	116,000
Tulane University (Louisiana)	175,000
University of Kansas	85,000
University of Missouri	81,314

Thus it will be seen that universities throughout the country that have attained prominence as great educational institutions have strong financial support. It is because of what here appears that I have ventured to say, that although the annual income of the University will doubtless be sufficient to support it, it is not so much as I would be glad to see it, nor, in my opinion, as its importance requires. It is to be hoped and expected, however, that other opportunities and means of increasing its endowment will come, and that before many years the institution will have a fund back of it ample for its needs and commensurate with its importance.

I believe in the policy of strict economy in public expenditure. I am something of a stickler for economy as opposed to prodigality, extravagance or waste. I do not believe that a dollar of public money should be expended except for some legitimate and useful purpose, and where there is every assurance that an adequate and compensatory benefit will be returned. But where money is legitimately required to upbuild the state and advance its well-being, to maintain its honor and exalt its high reputation, I would give it, not with lavish, but with cheerful hand. In my judgment, nothing tends more to elevate the good name and to dignify and exalt the reputation of any state or people, than their institutions of learning. They are types of our civilization and advancement. Missouri should be at

the forefront in all those things that characterize a great and progressive people.

The depth of my conviction and feeling upon this subject must be my excuse for saying so much to you about it.

Respectfully,

WM. J. STONE,
Governor.

TO THE SENATE

MARCH 14, 1893

From the Journal of the Senate, pp. 497-498

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
March 14, 1893.

To the President of the Senate:

Sir—I return herewith, with my approval, Senate bill No. 9, entitled "An act relating to the construction of streets, alleys and public highways in cities of this State having three hundred thousand inhabitants or over."

I desire to state that I have approved this bill not without considerable hesitation. I am not entirely satisfied that it is altogether a judicious measure. I have always maintained that in public improvements of the character provided for by this bill, some considerable part of the expense incident thereto should [be] borne by the entire community receiving the benefit thereof. The contrary policy, however, seems to be the established one in this State, and has been followed for a number of years. The law of the State as applicable to all parts of it outside of St. Louis, already provides that the whole cost of improvements of this character shall be borne by the abutting property owners; at least, such is the general law and the general policy. The passage of the bill now under consideration merely puts the city of St. Louis in line with the general policy obtaining elsewhere in the State. Personally, I

have never given my consent or adherence to this policy, and hence I have hesitated about approving this bill, and have finally done so with some reluctance. But inasmuch as its enactment has been advocated by a decided majority of the gentlemen representing the city of St. Louis in the General Assembly, and has likewise received the endorsement of a decided majority of all the Senators and Representatives, I have not felt myself justified in interposing a veto.

Section 12, Article 5 of the Constitution provides that within ten days after any bill shall have been presented to the Governor, he shall return the same to the House in which it originated, with his approval or objections. I have withheld this bill during the whole ten days thus limited, with the view to giving it proper consideration, and with the expectation that if there was any decided public opposition to it in the city of St. Louis, it would be manifested in some way and conveyed to me. I have received fifteen or twenty letters in opposition to the measure, about half of which have come from property owners who reside outside the city; and have also had one opposing resolution adopted by a meeting held in St. Louis, which, I am advised, was not largely attended, and was by no means unanimous in sentiment. On the contrary, I have received great numbers of letters and petitions, numerously signed, seemingly by all classes of people, urging me to approve the bill as a measure necessary to the future growth of the city. In view of all these considerations, I have, with considerable hesitancy, determined to return the bill with my approval.

WM. J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 20, 1893

From the Appendix to the Journals of the General Assembly, 1893

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
March 20, 1893.

To the Senate and House of Representatives:

I have the honor to transmit herewith a copy of a letter just received from Frank R. O'Neil, Esq., a member of the Board of Trustees of the Missouri School for the Blind. I do not know whether the General Assembly will feel disposed to consider this matter at this stage of the session, but it is a subject of so much importance that I feel it is my duty to call your attention to it, and to express the hope that you may find time to enact such legislation as may be deemed necessary.

WM. J. STONE,
Governor.

Governor Wm. J. Stone, Jefferson City, Mo.:

Dear Sir: With the apprehension that the Legislature may adjourn without taking action upon the pending Senate bill providing for the sale of the old Blind school site and the purchase of a new, I write to ask your kindly assistance in securing action thereon. Our present building will, probably, be within 50 yards of a railroad depot, before the next Legislature meets; and when you consider the large number of tracks, the loud noises, and all the other evils which will attend such an approximation, I think you will recognize the importance of making immediate provisions for a new site. Moreover, the cost of land now is much less than it will be two years hence. It will require, probably, one full year after the passage of the bill to locate and purchase a site, and to erect suitable buildings thereon;

consequently, even with action at the present session, our school is almost certain to suffer serious inconvenience for at least a short period.

Hoping that you will take the same view of the importance of the pending measure as I have expressed,

I am, very respectfully yours,

(Signed) FRANK R. O'NEIL,
Of Board of Trustees.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 21, 1893

From the Appendix to the Journals of the General Assembly, 1893

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
March 21, 1893.

To the Senate and House of Representatives:

I have the honor to transmit herewith a resolution adopted by the State Board of Agriculture, at a meeting held in this city today. The meeting was attended by every member of the Board save two, and the resolution referred to was unanimously adopted. The purpose of the Board meeting today was to adopt quarantine lines for the protection of the live-stock of the State from infectious diseases. The danger of the introduction of such diseases resulting from the shipment of Southern cattle into the State is manifest. The Agricultural Department of the United States has defined quarantine lines, which lines were adopted by the Board of Agriculture at the meeting today. Quarantine rules and regulations have likewise been adopted, and will be immediately promulgated in compliance with the statutes of the States. If these regulations are to be enforced, and the live-stock interests of the State protected from the danger menacing them, it is absolutely necessary that agents or inspectors should be appointed to represent the State at the

principal points where Southern cattle are received and distributed. There are at least three points where these agents or inspectors should be located, viz.: St. Louis, Kansas City and Hannibal. It would be well to have one at the city of St. Joseph also.

It will be necessary to maintain these inspectors during the quarantine period, which will continue until December 1st. Now, I assume that a competent man cannot be had for this service for much, if any, less than $100 per month. If we should have only three of them it would amount to probably $300 per month, or $2400 for the eight months prescribed as the quarantine period. If an inspector should be placed at St. Joseph, that would, of course, increase the amount necessary for this service. Now, the sum of $5000 per year only has been provided by the bills passed or pending for the veterinary service. One-half of that sum will be required to compensate the agents or inspectors employed to enforce the quarantine regulations of the State. The remaining one-half will be wholly absorbed by the salary of the State Veterinary Surgeon, which is $2500 per annum. The entire appropriation provided for will, therefore, be exhausted in paying the salary of the State Veterinarian and the necessary quarantine inspectors. There will be nothing left to meet any other demand upon this service, except the sum of $7500 appropriated to pay for slaughtered animals. The law requires the State Veterinary Surgeon, or his deputies, to make such inspections as the Governor may direct from time to time, within or without the State, and also to inspect live-stock afflicted with infectious or contagious diseases, and to do a number of things deemed important for the protection of the live-stock interests of the State. No appropriation whatever is made for this service, or at least there will be no fund left to meet the expenses of this service if the quarantine regulations of the State are at all adequately enforced.

This is certainly a matter of very considerable importance to the State, and I do not believe the General Assembly should adjourn without making ampler provision for this

service. It is altogether probable an amendment can be made to some bill pending, to meet the necessities of the case, without the delay necessary to the introduction and passage of a bill entirely new and distinct. But in any event, I hope the General Assembly will concur, as I do, with the Board of Agriculture as to the necessity of taking some additional action in this behalf. I suggest an amendment to some of the pending appropriation bills, providing, say $5000 salary for the State Veterinarian, and $3000 or some other sum to paying expenses of enforcing quarantine regulations. If that can be done, then the $10,000 already embraced in the bills which have been passed, or are pending, can be used for other purposes incident to the service. But whether this suggestion be adopted or not, I wish, as I have said, to urge upon your attention the importance of some action.

WM. J. STONE,
Governor.

RESOLUTION TRANSMITTED

Resolved, That it is the opinion of the State Board of Agriculture that the appropriation for the Veterinary Service of the State for the prevention and extirpation of contagious diseases in domestic animals should not be less than twenty thousand dollars for two years, exclusive of any sum for indemnity for condemned animals, and that the General Assembly be respectfully solicited to appropriate said sum.

TO THE SECRETARY OF STATE

APRIL 1, 1893

From the Journal of the Senate, pp. 641-642

JEFFERSON CITY, April 1, 1893.

To the Secretary of State:

Sir—I return herewith, with my approval, Senate bill No. 102, entitled "An act to amend section 8553, of article

14, of chapter 162, of the Revised Statutes of Missouri, relating to the exemption of citizens of incorporated cities and towns, and of the property within said cities and towns, from taxation for county road purposes;" which bill was received by me within ten days next before the adjournment of the General Assembly.

Some opposition to the approval of this bill has been made. I have examined with some care the arguments made both for and against the measure. The opposition to the bill has come from the county of St. Louis; those who have urged its approval are citizens of the town of Kirkwood. The town of Kirkwood is incorporated. Under the law as now applicable to that county, the people residing in and the property located within the corporate limits of the town, are subject to taxation for the purposes both of improving the streets of the town and the country roads anywhere in the county. This condition is somewhat peculiar to St. Louis county, and is contrary to the practice and the law as followed and applied in the other counties of the State.

Section 1674 of the Revised Statutes, which is a part of the law relating to incorporated towns and villages, provides: "All persons residing within the corporate limits of such towns shall be exempt from working on roads without the corporate limits of said towns, and from paying tax or fine relating to same on property within such corporate limits."

Section 8553 of the Revised Statutes provides: "Where any city or town may be incorporated under a special charter or a general law, no requisition in labor or money from the citizens thereof, or property within said corporation, shall be required to improve roads in the country * * *, but they shall be required to work and pay a tax to improve the streets and roads * * * within the limits of the incorporation," etc.

These statutes indicate the general policy of the law in this State. This policy has received the sanction of the Supreme Court. In passing upon a question similar to that

involved in the controversy between the town of Kirkwood upon the one hand and the county of St. Louis upon the other, the Supreme Court said: "It could not have been the purpose to subject the property owned by a non-resident of the town to double taxation, imposing upon such property not only the burden of keeping the streets and alleys of the town in repair, in common with other property within the town, but also in addition to subject it to taxation for repair of roads outside the corporate limits." Thus the court declares that to tax property in a town to repair the streets therein, and to tax it likewise to repair roads outside the corporate limits, is, in effect, double taxation. Property outside the corporate limits cannot be taxed to maintain the streets and roads within the corporate limits. It would seem but fair that this rule should work both ways. The bill under consideration is intended simply to apply a rule which prevails throughout the State to St. Louis county, and I confess myself unable to see why it should not be done. The bill seems to have been supported in its passage through the two houses by the almost unanimous vote of the Senators and Representatives, not only from St. Louis county, but from the entire State. I see no reason why I should disregard this legislative expression.

Respectfully,

WM. J. STONE,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1895

From the Journal of the House of Representatives, p. 20

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
January 4, 1895.

To the Speaker of the House of Representatives:

I have the honor to forward you herewith my biennial message for 1895, with accompanying reports.

W. J. STONE.
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1895

From the Appendix to the Journals of the General Assembly, 1895

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, January 15, 1895.

To the Senate and House of Representatives:

An unfortunate controversy has arisen between the people of Mercer county, Missouri, and Decatur county, Iowa. These are border counties and lie along-side each other. The controversy referred to relates to the location of the State line which separates them.

About fifty years ago a somewhat similar controversy arose between citizens of these States with regard to the proper location of the line between them. On December 10, 1847, the State of Missouri, under the authority of the second section of the third article of the Federal Constitution, filed her original bill in the Supreme Court of the United States against the State of Iowa, alleging that the northern part of Missouri was obtruded on and claimed by Iowa for a space of more than ten miles wide and about two hundred miles long; that the State of Missouri was wrongfully ousted of her jurisdiction over said territory and obstructed from governing therein; that the State of Iowa had actual possession of the same, claimed it to be within her limits, and was exercising jurisdiction over it, contrary to the rights of the State of Missouri, and in defiance of her authority. The complainant prayed that the boundary between the two States should be, by the order of the Court, ascertained and established, and that the possession, jurisdiction and sovereignty to all the territory in controversy be settled, etc. As a result of this proceeding, commissioners were appointed by the Supreme Court to run and mark the line dividing the two States. This was done, and the report of

the commissioners was received and confirmed by the Court at its December term, 1850.

Within the last three or four years this controversy has been revived along several miles of the boundary line between Mercer county, Missouri, and Decatur county, Iowa. On the part of the Missourians interested it is contended that the true line as located by the survey made under the order of the Supreme Court is north of a certain public road running east and west along the line, or near thereto. It is claimed that until about two or three years ago this road was conceded to be wholly in the State of Missouri, and that for many years the authorities of this State had worked, repaired and asserted control over the same. On the other hand, the citizens of Iowa now contend that the true boundary line runs some distance south of said public road. This contention involves the possession and ownership not only of the road referred to, but also of more or less private real estate. Just when or how this controversy was renewed has not been clearly explained to me. I have had quite a voluminous correspondence with citizens and officials of both Missouri and Iowa on the subject. My attention was first called to the matter by a communication addressed to me by the county officers of Mercer county, in which, among other things, I was informed that the dispute between the people of the two states was becoming angry and passionate, and that several open breaches of the peace had already occurred. Citizens of Iowa have fenced the road alluded to, and many of them have been indicted in the circuit court of Mercer county for obstructing a public highway. On the other hand, a number of the citizens of this State have been indicted in Iowa for malicious mischief and conspiracy for removing the fences.

The authorities on both sides have made arrests on the disputed territory, and have been indicted therefor in the State whose citizens were thus arrested for assault and kidnapping. In the communication of the officers referred to, it is stated that "so much bad feeling has been engendered over this matter, that there is great danger of serious con-

flict and bloodshed if it is not settled in some manner." About the time this communication was received by me, I also received a requisition from His Excellency, the Governor of Iowa, for the arrest and extradition of certain citizens of Mercer county, to answer indictments in Iowa for offenses alleged to have been committed in connection with this controversy. I withheld my warrant and wrote the Governor of Iowa a full explanation of the trouble as I understood it, and suggested to him that for the present at least requisitions would not be issued or insisted upon, and invited him to co-operate with me to secure a satisfactory adjustment of the matters in dispute. To these suggestions His Excellency was pleased to agree, and expressed an anxiety to contribute everything in his power to bring about a speedy and authoritative settlement. Herewith I will transmit copies of the more important letters written and received by me in relation to this subject. They will be sufficient to give you a fairly comprehensive idea of the situation. I call especial attention to my letter of February 28, 1894, to the Governor of Iowa, which was my first communication to him on the subject. In that letter I sought to outline the two ways in which I thought it possible to bring the dispute to a final and authoritative adjustment, and I am happy to say that my suggestions met the approval of Governor Jackson. A perusal of the correspondence transmitted will obviate the necessity of a more detailed explanation on my part.

I call this matter to the attention of the Senate and House of Representatives, and express the hope that such action will be taken without delay, as the gravity of the case demands. For more than a year, acting on the advice of the Governor of Iowa and myself, and the assurance that we would co-operate to bring the controversy as speedily as possible to some conclusion, a truce has been maintained between the opposing parties. Still, excitement has not not been allayed. There is much ill-feeling between the people, and, in spite of influences exerted to preserve the peace, serious outbreaks have now and then occurred.

I would suggest the enactment of a law authorizing the appointment of a commissioner, who should be an expert surveyor, to represent this State. A similar commissioner should be appointed by the authorities of Iowa. These two might select a third one, and the Board thus constituted could locate and mark the line. They should make a joint report of their proceedings to the Governors of both States, which report should be filed in the office of the Secretary of State.

It might be provided, that when the report should be made and filed the line thus established should thenceforth be taken, recognized and accepted by the authorities of this State, as the true boundary line. The governors of the two states should thereupon unite in asking the Congress to pass a bill ratifying and affirming the agreement between the states, so as to obviate any possible constitutional objection. In my judgment some proceeding of this character, entered upon by agreement between the states and ratified by the Congress, would be the speediest and most economical method of adjustment. But if you do not concur in this opinion, I then suggest that you authorize the Attorney-General to proceed in the Supreme Court of the United States, as was done when this same state line was the subject of dispute a half century ago. In my opinion the executive authority of the State can take no action in the premises until legislative permission therefor is given. It will, of course, be necessary to make an appropriation to cover so much of the expense as must be borne by this State. I have no means of making an intelligent estimate of the amount of that expense. If commissioners are appointed directly by the Governors of the states, they will have to be employed under contract. This State will be obliged to pay the compensation of its own commissioner, and one-half of that of the third commissioner to be chosen, and also one-half of other expenses incident to making the survey, report, etc. If an action is begun in the Supreme Court, it will be necessary to provide for the expenses of the Attorney-General, and also for such costs as the Court may assess

against the State. It would be prudent, possibly, to make an appropriation of $5000, or so much thereof as may be necessary. The former proceedings in the Supreme Court, instituted in 1847, cost altogether, I am informed, between $8000 and $10,000 divided equally between the two states. The labor performed at that time was greatly in excess of what I presume will be necessary in this instance. The line now in dispute covers a few miles only, but what will be required to find the points of beginning and ending, I do not know. Besides, it is safe to say that the cost of doing any given work at this time, will be larger than it would have been for the same work 50 years ago. For this kind of work perhaps it ought not to be larger, but it is entirely safe to say that it probably will be. Every effort should be made to have the work done with as little expense as possible, and I presume that every effort to that end will be made. That should follow as a matter of course. But if the work is entered upon, prudence dictates that a sufficient fund be provided to prosecute it without delay, confiding its proper use to those to whom you may see proper to commit the authority of expending it.

WM. J. STONE.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1895

From the Appendix to the Journals of the General Assembly, 1895

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, January 21, 1895.

To the House of Representatives:

The following resolution, adopted by the House of Representatives, has been transmitted to me:

Resolved by the House of Representatives of the Thirty-eighth General Assembly:

That the Governor, as the principal member of the Board of Equalization, be requested, at his earliest con-

venience, to inform this House why the State Board of Equalization, when they found it necessary to increase the taxable wealth of the State, placed an additional value of $65,000,000 upon the farm property of the State, instead of increasing the taxable wealth of the railroads until railroad property shall bear its equitable share of taxation, as directed to do by the resolution passed by the House of Representatives of the Thirty-seventh General Assembly, and to be found at page 549 of the House Journal.

The most significant feature of this resolution is the assertion that the State Board of Equalization, at its last meeting, "placed an additional value of $65,000,000 upon the farm property of the State." Acting upon misinformation, the House has been unwittingly misled into making a statement which is without foundation in fact, and, proceeding from that premise, has been betrayed into an unwarranted criticism of the State officials. It is not true that the State Board of Equalization at its last meeting placed an additional value of $65,000,000 upon the farm property of the State. Nor was any such thing done at any former meeting of the Board. It has never been done at all. The resolution, therefore, is predicated upon a mistake in fact. In view of that I might, with perfect propriety and without the least discourtesy, dismiss the matter without further consideration; but inasmuch as it has been brought to the attention of your honorable body, it may not be amiss for me to state some facts pertinent to the subject, which may prove both useful and interesting.

The aggregate assessment of real and personal property made in 1893 amounted to $854,353,803. That was exclusive of such railroad, bridge and telegraph property as is assessed by the State Board, and also of certain property belonging to merchants and manufacturers, assessed under special statutes. According to the abstracts of the assessors' books for the year 1894, the real and personal properties of the State were assessed at $887,279,340. That was an increase made by the assessors over the assessments of 1893 of $32,925,537. This assessment for 1894 was further in-

creased by the State Board of Equalization $37,016,712. Adding the increase by the State Board to that made by the assessors, it will be seen that the final assessment of real and personal property for 1894 was increased over that of 1893 by $69,942,249. That embraces the assessment upon all real estate in both town and country, including wild or uncultivated lands, and all descriptions of personal property, with the exceptions above alluded to.

Of the $32,925,537 increase made in 1894 by the local assessors, $29,160,145 fell upon three municipalities, namely, St. Louis city and St. Louis and Jackson counties, leaving only $3,765,392 of that increase to be distributed among all the other cities, towns and counties of the State. Of the $37,016,712 increase made in 1894 by the State Board of Equalization, $28,172,956 fell upon acre property—that is, upon garden, farm and wild lands. Of the remainder, $6,023,145 fell upon city and town lots, and $2,820,611 upon personal property. Eliminating personal property, which is divided between town and country, from the discussion, it will be seen that the additional value placed upon farm or acre property by the State Board of Equalization, instead of being $65,000,000 was only about $28,000,000.

In this connection it is well to note the important and interesting fact that the increase made in 1894 in the assessed value of real estate in the two cities of St. Louis and Kansas City is substantially equal to the increase made for that year on all the balance of the real estate in all the cities, towns and counties of the State. By many it is contended that city real estate is assessed relatively much higher than acre property. This I do not admit, and yet I am not prepared, with the data at hand, wholly to deny it. I know it has been the earnest desire of the State Board to treat all alike, and they have endeavored to secure as great equality as the nature of the case would admit. The aggregate amount of taxes paid upon city and town lots is much larger than that paid upon acre property. The total assessed valuation placed upon farm or acre property in 1894 amounted to $306,920,048, while that placed upon city and

town lots was $387,700,609. The excess of the assessment on city and town realty over acre property was $80,780,561.

The State tax levied in 1894 on all real estate amounted to $1,759,579. Of this tax there was levied upon acre property, in round numbers, the sum of $767,000, and the remainder of nearly $1,000,000 was levied upon city and town lots. The aggregate tax imposed upon city and town realty was about 30 per cent greater than that collected from acre property. It is undeniably true that a much larger total revenue is derived from city real estate than from country real estate; but I am not prepared on that account to admit that the assessed value of city property is relatively higher than in the country, notwithstanding there may seem to be some apparent reason for that contention.

CAUSE OF INCREASE

The increase made by the State Board resulted inevitably from the effort to equalize valuations between the several counties of the State. It is the business of the Board to equalize assessments, not between individuals or the subdivisions of counties, but between the counties themselves. It was created for that purpose. Its very name indicates the purpose for which it was established. Section 7514 of the Revised Statutes expressly requires the State Board to equalize valuations between counties; first, by adding to the valuation of the property in each county which they believe to be below its true value in money, such per centum as will raise it to its true value; and secondly, by deducting from the valuation in each county, which they believe to be above the real value in money, such per centum as will reduce the same to the true value. If the property in each county is to bear its just proportion of the common burden, then equalization in assessments is absolutely essential; and if the members of the State Board are to observe their obligations to enforce the law, they cannot escape the duty of making an honest effort to equalize values as nearly as may be practicable.

The local assessments for 1894, as returned to the State Board, disclosed the grossest inequalities, and if they had been permitted to stand, great injustice would have eventuated to many counties, and the board been derelict in the discharge of a plain and positive duty. I will give several examples by way of illustration. Farm or acre property in Atchison county, in the northwestern part of the State, was valued by the assessor at $11.20 per acre, while that of the adjoining county of Nodaway was assessed at $9.37. Every member of the House, familiar with these counties, must know that the lands of Atchison county should not be assessed at $2 per acre above those of Nodaway. Both are splendid counties; but I venture the opinion that the real estate of Nodaway is at least as valuable as that of Atchison; but the lands of Atchison were assessed about 22 per cent higher than those of Nodaway. Here, then, was manifest inequality. But to secure equality it was necessary either to lower the valuation of one or raise that of the other, or to do both.

It was in evidence before the Board from well-informed citizens of Atchison county, embracing county officials, that the lands of that county were not assessed above, but far below their real value. There was no reason, therefore, for reducing the valuations of the assessor. Accordingly the Board left Atchison county unchanged and added 20 per cent to the valuation placed upon the lands of Nodaway by the assessor of that county. This resulted in raising the Nodaway lands to $11.24 per acre, leaving those of Atchison at $11.20. Was not that increase proper?

For a similar illustration in the southwestern section of the State, I will instance the counties of Barton and Vernon. The assessor of Barton county valued the lands of that county at $7.53 per acre, while those of Vernon were valued at $6.69—a difference of nearly $1 per acre. But every southwestern member knows that the money value of the lands of Vernon county is greater than that of those in Barton. Accordingly 20 per cent was added to the local valuation of the Vernon county lands, thereby increasing

the assessment to $8.02 per acre, which is only 49 cents per acre more than the value placed on the realty of Barton county. Was not that increase proper?

In Central Missouri I will refer, for an example, to the counties of Livingston and Chariton. The assessor of Livingston county valued the lands of that county at $7.56 per acre, while in Chariton they were valued at $6.27. The Board added 20 per cent to the Chariton valuation, thereby raising her lands to $7.52 per acre, which still leaves them 4 cents per acre under the valuation of Livingston. Was not that increase proper?

Again, I refer to the counties of Knox and Putnam, in the northeast. The lands of Knox were assessed at $7.17 per acre, while those of Putnam were assessed at $4.60, or a difference of $2.57 per acre. The lands of Knox were assessed 56 per cent higher than those of Putnam. The State Board added 40 per cent to the Putnam assessment, thereby raising the lands there to $6.34 per acre. But even that is 16 per cent below the value of Knox. Was not that increase proper?

In the southeast, I might refer to the counties of Perry and Mississippi. The Perry county assessor valued the lands of his county at $5.71, while those of Mississippi were valued at $4.35—a difference of $1.36 per acre. The Board added 10 per cent to the valuation in Mississippi county, thereby raising her lands to $4.78 per acre, which still leaves them nearly $1 per acre under those of Perry. Was not that increase proper?

These examples, covering every section of the State, are given that the House may comprehend the character of the work performed by the Board, and have some insight into the effort made to effectuate equality in taxable valuations. In order to arrive at the most equitable valuations possible, the Board first divided the counties into five groups. In group A it placed those counties whose valuation exceeded $10 per acre; in group B, those counties valued between $8 and $10; in group C, counties valued between $6 and $8; in group D, counties valued between $4 and $6;

and in group E, counties valued under $4. Every effort was made to place each county in its proper group and to run the gradations along a just and equitable scale. While, in doing this, the valuations in several counties were lowered, the ultimate effect was a total increase of about $28,000,000.

I am entirely confident that the work of the Board in this behalf, when thoroughly understood, will receive the approval of all intelligent, fair-minded and right-thinking people. No doubt some mistakes have been made, but these the Board will correct as speedily as possible after they are made to appear. I do not believe that the good people of any county of this State would desire or consent to shift their just proportion of the public burden upon their neighbors in other counties. If any set of men could obtain their own consent to such a course, they ought not, in all fairness to others, to be permitted to have their way. Missourians are a gallant and high-minded people. They have a right to insist upon equality, to demand what is fair, and should be satisfied with nothing less. There may be some, but I am confident they are very few, who would seek to escape a just obligation by imposing it upon their neighbors through subterfuge or deception.

RAILROAD ASSESSMENT

During the last two years very little has been added to the assessable railroad mileage of the State. In 1893-4 only about 53 miles of road, subject to assessment under the law, were added. In the year 1893 the railroad properties of the State were assessed at $64,473,000, which was a large increase over the assessment of the previous year. In 1894 railroad properties assessed by the State Board were valued at $69,365,000, which was an increase of $4,892,000 over the assessment of 1893. It should be borne in mind that there is also a vast amount of railroad property, both real and personal, particularly at terminal points, which is not assessed by the State Board, but which, under the law, is assessed by local authority. This property,

however, is always included as a part of the assets of the corporations in the reports made to the Railroad Commissioners by the corporate officials.

I refer to this fact so that it may be seen that the railroad corporations pay taxes upon a large amount of property used in connection with their business other than that assessed by the State Board of Equalization. In assessing railroad property the State Board endeavored to ascertain as nearly as possible the actual value of the property of each corporation. A docket was prepared and certain corporations were assigned and set down for hearing on given days. The various county and railroad officials interested were notified of the assignments made, both by letters mailed to them and by advertisements printed in the metropolitan and local papers, and all persons interested, or capable of imparting information of value, were urgently invited to appear before the Board to make such statements, or to give such information, as they might deem important to be considered.

The Board has had no wish to make war upon railroads, nor to show them any favors. Under the law, for purposes of taxation, railroads are simply properties owned by American citizens; and every consideration of right, justice and law demands that they be treated exactly as other property is treated. If they are assessed too low in comparison with other property, the valuations should be increased; and for like reason, if they are assessed relatively too high, the valuations should be lowered. No property should be either increased or decreased aribtrarily or without good reason. The courts would not, and ought not to, permit such a thing to be done, even if attempted, particularly if it should result in a gross and manifest inequality of assessment. The only proper thing to do is to do right, and to treat all interests with the utmost fairness.

The State Board has labored assiduously to ascertain as nearly as practicable the actual value of the different railroad properties, and to assess them substantially as other property is assessed. During the last two years the

valuations of the railroad properties of Missouri, without any material additions to the assessable mileage, have been increased about $6,500,000. The increases made in 1894 on many of the lines traversing the State were very large in the aggregate, and in some instances it was strongly protested that the increases were exorbitant and excessive. The superstructure of the Chicago, Santa Fe & California was increased $2000 per mile for about 200 miles; the superstructure of the Missouri, Kansas & Texas was increased $2000 per mile for more than 200 miles; the superstructure of the 'Frisco was increased $1500 per mile; that of the Iron Mountain, $1000 per mile; that of the Ozark division of the Kansas City, Fort Scott & Memphis, $1000 per mile, and so on.

Like increases were made in 1893. For example, the main line of the Wabash was increased $1500, and the Santa Fe $1000 per mile. These increases were made as the outgrowth of a patient and careful inquiry, with at least two principal objects in view, viz.: First, to equalize the assessments of railroad property as between the roads themselves; and, secondly, to equalize the valuation of railroad property with that of other properties. The work necessary to accomplish these results involves the consideration of a vast amount of intricate details. It is accompanied by many difficulties, and its intelligent prosecution requires the most thoughtful attention and the greatest possible care.

COMPARATIVE VALUATIONS

The Board does not believe that railroads are assessed at their full value. According to the proof submitted to the Board, however, it was made reasonably clear that most of their equipment or rolling-stock is assessed at sums closely approximating its full value. But the superstructures, buildings, etc., belonging to these corporations are not assessed at full value. Neither are the lands of the farmer or the store-houses of the merchants assessed at full value. A literal compliance with the assessment law would require

the assessment of all property at its actual money value; but before that can be safely done, there should be some material alterations or amendments to the revenue laws.

The Board has sought to place the valuation of railroad property fully as high, relatively, as that placed upon other property; and in the light of all the facts gathered from all sources by the Board, it has every reason to believe that that result has been attained. Many citizens and county officials from the different sections of the State came before the Board, and from their statements it was made to appear that lands, taken as a whole, are assessed about one-third their actual value. After careful inquiry into the value of each separate road, the Board assessed the property thereof at what it considered even a higher per cent of the true value than that imposed upon real estate. As an example, I call attention to the Chicago & Alton, assessed at $17,590, and to the Missouri Pacific, assessed at $18,811 per mile; and I submit that those valuations represent as great a per cent of the full value of those roads as the per cent assessed upon the value of other property.

The Missouri, Kansas and Eastern is a new road just constructed along the north bank of the Missouri river from Franklin, in Howard county, to St. Louis. It will be assessed this year for the first time. It is in proof before the Board that the construction of this road cost less than $20,000 per mile. If that be true, then it will furnish some basis for determining the value of the Missouri Pacific, which is a parallel and competing line. Of course, it is altogether possible that the Board has in some instances fixed the values of railroads below what they ought to be in comparison with the assessments made upon other descriptions of property. The duty with which the Board is charged in making and equalizing assessments is one which should be discharged, as I have said, with deliberation, discretion and care. The interests at stake are too important to be dealt with upon any other basis. The Board is of the opinion that the assessments made are both just and fair to every interest,

but if any mistakes have been made, the Board will be quick to correct them as soon as they may be discovered.

OTHER STATES

In this connection it will be of interest to note the valuations of railroad property in other states, made in 1894, as compared with Missouri. The average valuation per mile in Iowa is $5293; in Kansas, $6626; in Illinois, $8542; while in Missouri the assessable mileage is fixed at $11,157. The assessment in Iowa is only 48 per cent of that in Missouri; in Kansas it is 58 per cent and in Illinois 76 per cent of that in Missouri. Take Illinois, the next highest to Missouri, and make a specific comparison. In Missouri the Chicago & Alton is assessed at $17,590 per mile, while the same road in Illinois is assessed at only $10,545 per mile. If similar comparisons should be made of roads extending from Missouri into Iowa or Kansas, the contrast will appear all the more marked and striking. Thus it will be seen that railroad properties in Missouri are assessed very much higher than in the great states upon our border.

In conclusion, I desire to say that the intimation contained in the resolution adopted by the House that the State Board had discriminated against farm property and in favor of railroads in making and equalizing assessments, is unauthorized by the facts. The increase made by the Board on farm property was only 4.17 per cent, as against 7.58 per cent of increase on railroad property. I call attention to the fact that of the $3,037,523 paid into the State treasury in 1894, about 34 per cent was derived from taxes levied upon farm property, real and personal; about 40 per cent was from taxes collected from city and town property, real and personal; and the remaining 26 per cent came from corporation and license taxes and from miscellaneous sources.

I believe it is true that a large amount of property escapes taxation altogether, and that one or two classes of property are assessed much too low; but this is due to defects in the law, and is a matter over which the State Board has

absolutely no control, and which can not be remedied except by amending the statutes. To this very important work of revising and amending the revenue laws I invite the attention and co-operation of the General Assembly. I respectfully submit that the public interests can be better promoted by sincere efforts to enact good and much-needed legislation than by that hasty adoption of partisan or ill-considered resolutions.

Of the properties assessed or equalized by the State Board, I am confident that farm property is not assessed relatively higher than other property. No pretense is made that the adjustments as to value are entirely accurate, or that inequalities do not exist, but I express entire confidence in the belief that no grievous mistakes have been committed.

WILLIAM J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1895

From the Journal of the Senate, p. 385

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
January 26, 1895.

To the Senate and House of Representatives:

I have the honor herewith to transmit (through the House of Representatives) the report of the State Fish Commission. The report is an interesting document. It is written in a most entertaining style and contains a large amount of useful information relating to the subject of pisciculture. The importance of this industry is not sufficiently well understood by the people of this State. believe if this report could be printed and distributed, the small expense occasioned thereby would be infinitesimal in comparison with the great practical good resulting there-

from. I take pleasure in commending this report to your thoughtful attention.

WM. J. STONE.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1895

From the Journal of the Senate, p. 126

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 28, 1895.

To the Senate and House of Representatives:

I have the honor herewith to transmit to you (through the House of Representatives) the biennial report of the Board of Managers of the Bureau of Geology and Mines, accompanied by the biennial report of the State Geologist. The report of Dr. Keyes is intelligent and comprehensive, and the thoughtful attention of the General Assembly is invited thereto.

I also have the honor herewith to transmit to you (through the House of Representatives) the biennial report of the Adjutant-General, which will put the General Assembly in possession of full information regarding the military establishment of the State.

I also have the honor herewith to transmit to you (through the House of Representatives) the report made to me by the Secretary of the Board of World's Fair Managers for Missouri, in compliance with an order made by the said Board, accompanied by the full-term report of J. K. Gwynn, Executive Commissioner of said Board; and also a report of E. McD. Coffey, the Treasurer of said Board. An intermediate report made by Mr. Gwynn is also transmitted. These reports disclose very fully the work done by the Board, the amount of money received and expended, and the balance returned to the treasury.

WM. J. STONE.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1895

From the Journal of the Senate, pp. 145-146

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, MO., January 30, 1895.

To the Senate and House of Representatives:

Under the provisions of section 5803 of the Revised Statutes, it is made the duty of the Superintendent of the Insurance Department, on or before the second Monday in February in each year, or as soon thereafter as practicable, to make a report to the Legislature, if the same be in session, otherwise to the Governor, to be forwarded by him to the Legislature, etc.

The report made by the Superintendent in 1894 of his department for the preceding year was made to me, and the same has been printed and distributed. A copy of that report is herewith transmitted to the General Assembly, through the Senate. This is done simply to conform to the requirements of the statute, but as it has been already printed, I suggest there will be no necessity of having it made a part of the journal.

The report of the operations of the department for the year 1894 will be made by the Superintendent directly to the General Assembly as soon as the same can be completed.

By reference to the last biennial report of the State Auditor, it will be seen that the amount of State revenue collected from foreign insurance companies during the year 1893 amounted to $107,918.47, and for the year 1894, to the sum of $123,297.99, making a total for the two years of $231,216.46. During the two previous years, 1891-2, the State taxes collected from such companies, as shown by the Auditor's report, amounted to $179,628.04. This shows an increase in the last two years of $51,588.42.

I desire to say that Hon. James R. Waddill, who has had charge of this department during the last two years, has administered its affairs with the highest degree of efficiency.

I also herewith transmit, for information, to the General Assembly, by way of the Senate, the first annual report made to me by the Excise Commissioner of the City of St. Louis. This office was created by an act passed by the Thirty-seventh General Assembly, and has now been in operation about eighteen months. The report herewith transmitted is for the year ending July 3, 1894. It shows that the total tax, both State and municipal, collected during the year reported, amounted to $1,229,668.91. Of this, the city license tax amounted to $1,011,868.40. During the previous corresponding year the city license tax imposed on dram-shops collected amounted to $861,105.35. Thus it will be seen that under the administration of Excise Commissioner Bell the sum of $150,763.05 more city license taxes were collected than were collected on that account the previous year.

This result is all the more gratifying in view of the fact that it was not occasioned by an increase in the number of saloons; but on the contrary, the Commissioner reports a very decided decrease in the number of saloons over those running the year before. He states that during the year he "closed up about three hundred saloons for non-payment of licenses and for keeping disorderly places." An increase of $150,763 in revenue, with a decrease of three hundred in the number of saloons, is conclusive proof that the act creating the office of Excise Commissioner was wise and timely, and the result is highly creditable to the administration of the Commissioner. A comparison of the amount of State license taxes collected during the two years referred to is not made, because in 1893 the Legislature passed a law increasing the State license tax above what it was the year before. While it is true that the State has been equally as much benefited as the city by the excise law and its administration, the increase in the State license tax referred to makes a comparison between the collections of the two

years more difficult. The city license tax was the same both years.

WM. J. STONE.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1895

From the Journal of the House of Representatives, p. 521

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, MO., February 18, 1895.

To the Senate and House of Representatives:

Herewith I have the honor to transmit a communication sent to me by members of the Missouri Text-book Commission, accompanied by a report of the commission of date August 22, 1891.

I have the honor to request that the brief letter addressed to me may be read to your respective houses for information, and to suggest that the subject-matter receive legislative attention.

It is the opinion of the gentlemen who have signed this communication that under the law, as it now stands, the Commission will expire in 1896, and that the contracts made between the Commission and publishing houses will also then expire. These gentlemen are of the opinion, however, that notwithstanding the expiration of the Commission and the contracts, no other books can be lawfully used in the public schools except those which have been selected by the Commission, and which are now being used throughout the State. If this construction of the law be correct, then it is clear that the Legislature ought not to adjourn leaving the statute unrepealed or unamended, thereby creating a school-book monopoly with all limitations as to price removed.

WM. J. STONE.
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 4, 1895

From the Journal of the Senate, p. 449

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 4, 1895.

To the Senate and House of Representatives:

I herewith transmit (through the House of Representatives) three documents relating to the levee of the St. Francis river basin, in Southeast Missouri, which have been placed in my hands, with a request that I submit them for your consideration. They are resolutions adopted by the Cotton exchange and by the River committee of the Merchants' Exchange of the City of St. Louis, and also an address from the St. Francois Levee Board to the Legislature, stating certain facts and making an appeal for an appropriation to aid in the work alluded to.

The importance of this work cannot well be over-estimated. It should command, as I have no doubt it will receive, the most thoughtful and considerate attention of your honorable bodies.

WM. J. STONE.

TO THE SENATE

MARCH 18, 1895

From the Journal of the Senate, pp. 743-744

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 18, 1895.

To the President of the Senate:

I have the honor herewith to return, with my approval indorsed thereon, Sena te bill No. 170, entitled

An act to amend section 3(7807) of an act entitled "An act to repeal section 7806, 7807, 7808, 7809, 7810, 7811 and 7815, of chapter 140, of the Revised Statutes of Missouri, as amended by an act entitled 'an act to amend sections 7806 and 7814, of chapter 140, article 1, of the Revised Statutes of Missouri, relating to roads and highways,' approved April 20, 1891, and enact in lieu thereof seven new sections," approved March 28, 1893.

I have approved this bill with hesitation, for I am by no means certain that it can be upheld in the courts if its enforcement should be resisted. The bill is described in its title as an act to amend section 3 of a certain described act, approved March 28, 1893. It provides that said section 3 of the act referred to "be and the same is hereby amended by striking out the words 'shall be liable to work on roads,' between the word 'appointed,' in the third line, and the word 'and,' in the fourth line of said section 3, so that said section when amended shall read as follows;" then follows the amended section. After this introduction I naturally expected to find that the section in this bill would correspond with the section it amended, save and except that the designated words should be stricken out. Those words are left out, but the section is also materially changed in other respects. For instance, under the act of 1893 it was provided that the county court should assess three days' poll-tax to each person liable to work on public roads, while this bill provides that the court shall assess not less than two nor more than six days' poll-tax; the act of 1893 also provides that the person assessed with the poll-tax might discharge the same by paying two dollars in money each year to the road overseer, while this bill provides that such person may discharge his poll-tax by paying one dollar in money to the overseer for each day he may be assessed. The text of the section, as it appears in the act of 1893 is otherwise departed from in the bill herewith returned. With considerable hesitation I have reached the conclusion that notwithstanding these discrepancies the bill, when it becomes a

law, can be enforced, although, as above stated, I am not without doubt as to that.

It is unfortunate that so little care is taken in the preparation of laws which are to govern the people, and which must comply with the requirements of the constitution if they are to be sustained. I am entirely within bounds when I say that perhaps one half the bills coming to me for executive approval are characterized by defects similar in nature to those to which I direct attention in the present instance. I call the attention of your honorable body to these matters, as I have that of the House of Representatives, not in a spirit of criticism, but as the basis of a request, which I respectfully prefer, that all measures of legislation may receive the most careful scrutiny of those who take part in their preparation.

Respectfully,

WM. J. STONE,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 19, 1895

From the Journal of the House of Representatives, p. 1138

To the Speaker of the House of Representatives:

I have the honor herewith to return, with my approval indorsed thereon, House bill No. 115, entitled "An act to repeal sections 4156, 4175, 4177 and 4178 of chapter 48, article 6, of the Revised Statutes of the State of Missouri, and enacting in lieu thereof new sections, and to amend section 4174 of chapter 48, article 6, of the Revised Statutes of the State of Missouri, relating to changes of venue and the election of special judges in criminal cases."

I have approved this act because I indorsed its general purpose and recognize the necessity of some legislation along the line covered by the bill.

I desire, however, to call the attention of the House to the fact that in the fourth line of the second section of the enrolled bill, the word "line" in parenthesis was interlined between the words "fifteenth" and the word "and," and that the word so interlined appears as erased by having a line drawn through the same.

This section amends section 4174 of the Revised Statutes of 1889. The section provides that section 4174 shall be amended by striking out the words in the fourteenth, fifteenth and sixteenth lines of said section 4174; then follow the words stricken out. By reference to section 4174, it will be seen that the section contains only fifteen lines, including the catch-words at the top thereof. It was impossible, therefore, to strike out any words in the sixteenth line of the section.

Section 3 of the bill repeals sections 4175 and 4177 of the Revised Statutes, and in lieu thereof enacts one section, designated as section 4175. The repeal of the sections indicated and the enactment of the new section was intended, among other things, to repeal the law authorizing the election of a special judge by members of the bar, and in lieu thereof to authorize the selection of a special judge by an agreement between the defendant and the prosecuting attorney, with the concurrence and approval of the court; but the enrolled bill provides that the defendant and the prosecuting attorney may, by agreement, "elect," not "select," a special judge. The same misuse of words appears in the fourth section of the bill, which repeals section 4178 of the Revised Statutes and enacts a new section in lieu thereof. Here, also, the word "elect" is used instead of the word "select."

I desire most respectfully to call attention to these discrepancies or inaccuracies, for the reason that a large number of the bills coming to me are characterized by defects of this nature. This can be easily avoided by the exercise of greater care and scrutiny on the part of those having charge of bills.

I do not submit these observations as a criticism, but as a basis of a request that care be taken to secure the greatest possible accuracy in the preparation of bills through all their stages.

[WM. J. STONE.]

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 23, 1895

From the Appendix to the Journals of the General Assembly, 1895

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 23, 1895.

To the Senate and House of Representatives:

I am officially informed that it is the intention of the General Assembly to adjourn to day, and I have been asked if I have any further communication to make to your honorable body. I desire to say that, in my opinion, the Legislature ought not to adjourn without agreeing upon an election law applicable to St. Louis and Kansas City, that will make fraud at elections more difficult and hazardous, if it cannot be wholly prevented; nor without agreeing to and passing some law defining fellow-servants, and providing for the liability of employers for injuries to one servant occasioned by the negligence of another. The enactment of a proper election law is of the highest importance to the preservation of the most precious rights of a free people in a popular or representative form of government. It will be unfortunate if the Legislature adjourns without amending or improving the present law. The failure to pass a fellow-servants' law would be unfortunate, if considered alone from the standpoint of merit; but the defeat of all legislation on the subject would be peculiarly unfortunate at this time, since it would be a practically acknowledged concession to influences that cannot be potent in legislative councils without detriment to the public right and safety.

I am fully aware that senators and members are anxious to be relieved of their duties here and to return to their homes, but since the subjects of legislation to which I refer have received very considerable attention, and have been extensively discussed during the present session, it would seem that an honorable agreement upon correct lines could be reached with regard to them by the two houses without long delay, if an earnest effort should be made to that end.

In response to your inquiry, therefore, I express the hope that there will be no final adjournment until proper legislation relating to these special subjects has been agreed to.

Respectfully,
WM. J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 21, 1895

From the Journal of the Senate, Extra Session, p. 88

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
May 21, 1895.

To the Senate and House of Representatives:

1. I have the honor to advise the General Assembly that an error occurs in the act approved April 11, 1895, entitled "An act to amend section 40 of an act entitled 'an act to redistrict the State into judicial circuits and to fix the terms of court therein,' approved April 7, 1892." I am informed that the engrossed bill, as it passed at the regular session, provided for three terms of court in Carroll county, one term to be held in March, one in July and one in November. By some error in the enrollment the court for July was left out of the bill, and the November term, which, in the engrossed bill, was to begin on the first

Monday in November, was, by an error, fixed for the third Monday of that month in the enrolled bill. This latter error perhaps would not be material except for the fact that the same act provides for a term of court to begin in Sullivan county on the same Monday of November. The effect of this error will be to prevent a court in one of those counties in November, or in both.

At the urgent request of the people of Carroll county, I call the attention of the General Assembly to this matter for the purpose of requesting and authorizing such legislation in the premises as may be necessary.

2. I also have the honor to advise the General Assembly that at the regular session an act was passed creating three additional judges of the circuit and criminal courts in St. Louis. The act authorized the Governor to appoint the judges until the next general election. I am informed that the salaries for these judges were provided for in one of the appropriation bills passed at the regular session, but through some error of enrollment it was left entirely out of the bill, and did not appear therein when presented to me for approval.

The State Auditor informs me that during the regular session a number of reports and documents were ordered printed by the General Assembly, to the amount of about $3300. The work was done by the Tribune Printing Company in compliance with the direction of your honorable body, but through some oversight or inadvertence, no appropriation was made to pay therefor.

I now submit to the General Assembly the question of providing for these deficiencies by proper legislative enactment.

Respectfully,

WM. J. STONE,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 8, 1897

From the Journal of the Senate, pp. 14-15

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY,
January 8, 1897.

To the Senate and House of Representatives:

I have the honor herewith to transmit (through the House of Representatives) the eighth biennial report of the Missouri State fish commission for the years 1895-6. This report is so comprehensive in its scope and so luminous in its treatment of the important subject of fish culture that I take pleasure in commending it not only to your favorable consideration, but to the attention of the people generally. It is a document of such value that I believe the public interests would be promoted by having it printed for general distribution. The present commission have administered the affairs committed to them with great intelligence and fidelity. Pisciculture has made decided progress in the last four years. Much has been done to disseminate valuable information on the subject, greatly to the profit of the people, and it affords me pleasure to congratulate the commission on the success of their labors.

Respectfully,

WM. J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 8, 1897

From the Journal of the Senate, p. 15

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
January 8, 1897.

To the Senate and House of Representatives:

I have the honor to transmit (through the House of Representatives) the biennial report of the Adjutant-General of the State. This document covers all matters of interest relating to the National Guard of Missouri for the period it embraces. I desire to say in this connection that the militia of Missouri is an admirable body, composed of an excellent class of citizens. In my judgment it deserves to be supported far better than it has been. I believe it will rarely happen that there will be actual need of employing the military power in this State; but the State, so populous and having within it so important interests, should maintain a well disciplined force of this character. It is not only a conservative force within the State, but is a part of the military power of the nation. It preserves the material spirit of the people and is a source of safety against domestic insurrection and foreign invasion. I hope it will be in accord with the sentiment of this General Assembly to treat the National Guard of the State with greater liberality than heretofore.

Respectfully,

W. J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 8, 1897

From the Journal of the Senate, pp. 15-16

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
January 8, 1897.

To the Senate and House of Representatives:

Under the provisions of the proposed constitutional amendment changing the seat of government from Jefferson City to Sedalia, submitted to the voters at the last general election, and the provisions of an act passed by the Thirty-eighth General Assembly, relating to the same subject matter, it became my duty to employ architects to make estimates of the value of the public buildings now located at Jefferson City which would have been affected by the removal of the Capital if the constitutional amendment had been adopted.

In accordance with the requirements of the said act I employed Mr. M. Fred Bell of Fulton and Messrs. Link & Rosenheim of St. Louis to make said estimates. They did so and submitted their report in accordance with the law. Their charges for said work amount to the sum of $350 to each, or $700 in the aggregate.

No appropriation was made by the Thirty-eighth General Assembly to pay this expense, although the Governor was required by the express terms of the law to have the estimates made.

Bonds were taken by me in accordance with the act referred to, under which I believe and hold that the makers thereof are responsible for this sum. I have made demand for its payment, but so far it has not been paid.

I agreed with the architects that I would ask an appropriation of this General Assembly to pay their charges. Accordingly, I hereby recommend that said appropriation

be made. If the makers of the bonds referred to do not pay said sum suit can be brought to enforce payment to indemnify the State, but the gentlemen who have performed the service referred to under contract should be promptly paid by the State.

Respectfully,

WM. J. STONE,

Governor.

TO THE GENERAL ASSEMBLY

JANUARY 8, 1897

From the Journal of the Senate, p. 16

JEFFERSON CITY, January 8, 1897.

To the Thirty-ninth General Assembly of the State of Missouri:

Gentlemen—In accordance with the provisions expressed in section 5268 of the Revised Statutes of the State of Missouri (1889) the board of managers of the Bureau of Geology and Mines begs leave to lay before you (through the House of Representatives) the following report of the operations of the bureau during the biennial period just passed. The board has endeavored to carry out both the spirit and letter of the law governing the expenditure of the moneys appropriated for the investigation of the mineral resources of the State, and, holding always in view the greatest good to the greatest number, has tried to use these funds to the best advantage. The details of the progress of the work are fully set forth in the appended report of the State Geologist. The plans therein formulated for the execution of future work heartily commends itself to the approval of the board, which has every confidence that the State receives full value for every dollar thus expended in acquiring knowledge and in disseminating useful information regarding our mineral wealth and natural resources.

The following is an exhibit of the expenditures of the appropriation made by the last General Assembly:

Salaries	$8,015 50
Special and temporary assistance	1,909.08
Railway fare, wagon hire and assistance	918.02
Printing and binding reports	5,844.97
Engraving maps, plates and cuts	1,550 91
Freight, express, postage, etc	618.65
Supplies, books, etc	422 54
Printing, binding and maps (contracted for)	720 33
Total	$20,000.00

The board of managers is fully convinced of the great importance to the people of the State for the continuance of the investigations on a liberal basis, and believes that the State will be amply repaid for all expenditures in the future, which will enable the work, already begun under such auspicious circumstances and so well advanced, to be carried on to completion. While it is fully recognized that a much larger amount of money than is annually available would allow the work to go on just that much faster and get the results before the public just that much sooner, it is thought that the continuance of a moderate appropriation will enable the investigations to go on uninterruptedly on the same satisfactory plan as heretofore. The board therefore unanimously recommends to you the propriety of the following appropriation for the biennial period:

For maintenance (two years)	$15,000
For printing reports (in press or ready for the press)	8,000
For printing reports (completed during biennial period)	7,000
Total	$30,000

The appropriation asked for maintenance is small, and is the minimum amount upon which the investigations of our mineral and natural resources should be carried on.

The amount requested for printing is very urgent, and is not only desirable but necessary, if the results are to be given to the public promptly. Part of this is for the usual

publishing of the reports, that will be furnished and ready before the end of the biennial term; the estimate is low. The other part is for the printing of very important and valuable reports, which have been completed for some time, and which should not be longer delayed.

In conclusion, your careful consideration is invited to the detailed report of the State geologist herewith submitted.

WM. J. STONE,
President of the Board.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1897

From the Journal of the Senate, p. 17

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
January 11, 1897.

To the Senate and House of Representatives:

I have the honor to transmit (through the House of Representatives) a list of pardons and commutations granted by me as required by law.

Table No. 1 shows the list of pardons granted on the recommendation of the prison physician and inspectors because of sickness or insanity of the convicts.

Table No. 2 shows the list of pardons granted on certain public holidays, in pursuance of a custom followed for many years.

Table No. 3 shows the list of pardons granted on the merits of the application, with the reasons therefor.

Table No. 4 shows the number of commutations of sentences granted on the merits of the application, with the reasons therefor.

Respectfully,
WM. J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1897

From the Journal of the Senate, p. 18

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
January 11, 1897.

To the Senate and House of Representatives:

I have the honor herewith to transmit (through the House of Representatives) the eighteenth biennial report of the commissioner of labor, etc. This report treats of several important questions in an unusually clear and interesting manner. All these are questions of great public importance and should receive the careful and pains-taking attention of the General Assembly. Taken as a whole the work of this bureau in all its branches has been very satisfactory. The officials have discharged their duties with courage, intelligence, diligence and efficiency.

Respectfully,

W. J. STONE,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1897

From the Journal of the Senate, p. 18

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY,
January 11, 1897.

To the Senate and House of Representatives:

I have the honor herewith to transmit (through the House of Representatives) a communication from his Excellency, Silas A. Holcomb, Governor of Nebraska, with

reference to the Trans-Mississippi Exposition, to be held at Omaha, Neb., from June to November, 1898. The purposes of this exposition are clearly stated in the letter of Governor Holcomb, to which I have the honor to invite your considerate attention. It is proper to say in this connection that I have been requested by a number of prominent business and professional men in the western part of this State to ask your attention to this subject with the hope that some action may be taken to have Missouri properly represented.

Respectfully,

WM. J. STONE,

Governor.

PROCLAMATIONS.

OFFERING A REWARD

JANUARY 11, 1893

From the Register of Civil Proceedings, 1893-1897, pp. 8-9

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, Charles R. Carter, was convicted of murder in the first degree in the county of Lawrence, in the State of Missouri, and afterwards escaped from custody and fled from justice, and cannot be arrested by ordinary process of law;

NOW, THEREFORE, I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested, and for good and sufficient reasons appearing, do hereby offer a reward of Three Hundred Dollars for the arrest and delivery of said Charles R. Carter to the sheriff of said county of Lawrence, at the county seat thereof within six months from the date of these presents.

In Testimony Whereof I hereunto set my hand and cause to be affixed the great seal of the State of (Seal) Missouri. Done at the City of Jefferson on this 11th day of January A. D. Eighteen hundred and ninety three.

WM. J. STONE.

By the Governor:

A. A. LESUEUR,

Secretary of State.

OFFERING A REWARD

MARCH 6, 1893

From the Register of Civil Proceedings, 1893-1897, p. 25

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS some person or persons, unknown, are charged with killing E. E. Brown in the City of St. Louis, on March 2nd inst., and have fled from justice, and cannot be arrested by ordinary process of law,

NOW THEREFORE, I William J. Stone, governor of the state of Missouri, by virtue of authority in me vested, hereby offer a reward of three hundred dollars each for the arrest and delivery of said unknown person or persons to the sheriff of said City of St. Louis, at said city, within one year from the date of these presents, reward to be paid on conviction of the party or parties of the crime aforesaid.

In Testimony Whereof I hereunto set my hand and cause to be affixed the great seal of the State (Seal) of Missouri. Done at the city of Jefferson, this 6th day of March A. D. 1893.

WM. J. STONE.

By the Governor:

A. A. LESUEUR,

Secretary of State.

OFFERING A REWARD

APRIL 20, 1893

From the Register of Civil Proceedings, 1893-1897, p. 42

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, William Rice, charged with killing James Cunningham in the county of St. Charles, has fled from justice and cannot be arrested by ordinary process of law;

NOW THEREFORE, I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested, hereby offer a reward of Two hundred dollars for the arrest and delivery of said William Rice to the sheriff of said county of St. Charles, at the county seat thereof within six months from the date of these presents.

In Testimony Whereof I hereunto set my hand and cause to be affixed The Great Seal of the
(Seal) State of Missouri. Done at the City of Jefferson this 20th day of April, A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

OFFERING A REWARD

APRIL 24, 1893

From the Register of Civil Proceedings, 1893-1897, p. 43

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS Frank S. Rowlen, convicted of forgery in the first degree, in the criminal court of Jackson county, has fled from justice and cannot be arrested by ordinary process of law. NOW THEREFORE, I, William J. Stone, Governor of the State of Missouri, by virtue of authority in me vested, and for good and sufficient reasons appearing, do hereby offer a reward of Two hundred dollars for the arrest and delivery of said Frank S. Rowlen to the marshal of the supreme court of the State of Missouri, at Jefferson City, within one year from the date hereof—

In Testimony Whereof, I hereunto set my hand and cause to be affixed the great seal of the State
(Seal) of Missouri. Done at the city of Jefferson this 24th day of April A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

OFFERING A REWARD

MAY 6, 1893

From the Register of Civil Proceedings, 1893-1897, p. 48

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, John Steen, convicted of attempt to poison, at April term 1892 of the circuit court of Polk county, has fled from justice and cannot be arrested by ordinary process of law, NOW THEREFORE, I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested, and for good and sufficient reasons appearing, do hereby offer a reward of One hundred and fifty dollars for the arrest and delivery of said John Steen to the marshal of the Supreme court of the State of Missouri, at Jefferson City, within one year from the date hereof.

In Testimony Whereof, I hereunto set my hand and cause to be affixed the great seal of the
(Seal) State of Missouri. Done at the City of Jefferson this 6th day of May A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

OFFERING A REWARD

MAY 27, 1893

From the Register of Civil Proceedings, 1893-1897, p. 56

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS some person or persons unknown, charged with killing Mrs. Christina Buxton, in the county of Warren, have fled from justice, and cannot be arrested by ordinary process of law. NOW THEREFORE, I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested, hereby offer a reward of Three hundred Dol-

lars each for the arrest and delivery of said person or persons unknown to the sheriff of said county of Warren, at the county seat thereof, within one year from the date of these presents Reward to be paid on conviction of the party or parties of the crime aforesaid.

In Testimony Whereof I hereunto set my hand and cause to be affixed the great seal of the State of
(Seal) Missouri: Done at the City of Jefferson this 27th day of May A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

OFFERING A REWARD

MAY 29, 1893

From the Register of Civil Proceedings, 1893-1897, p. 57

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS some persons unknown charged with robbing the Pacific Express Car near the town of Pacific, on the night of May 24th inst. 1893, in the county of Franklin, have fled from justice and cannot be arrested by ordinary process of law, NOW THEREFORE, I, William J. Stone, governor of the State of Missouri by virtue of authority in me vested, hereby offer a reward of Three hundred dollars for the arrest of each of the persons implicated in said robbery, within twelve months from the date hereof. Reward to be paid upon conviction of the party or parties of the crime aforesaid

In Testimony Whereof I hereunto set my hand and cause to be affixed the great seal of the State of
(Seal) Missouri: Done at the City of Jefferson this 29th day of May A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

OFFERING A REWARD

MAY 29, 1893

From the Register of Civil Proceedings, 1893-1897, p. 58

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS James Murphy McDaniel, charged with abducting a female under the age of 18 years for the purpose of concubinage and prostitution, in the county of Miller, has escaped from jail and fled from justice and cannot be arrested by ordinary process of law.

NOW THEREFORE I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested hereby offer a reward of Fifty dollars for the arrest and conviction of said James Murphy McDaniel of the crime aforesaid within twelve months from the date hereof.

In Testimony Whereof, I hereunto set my hand and cause to be affixed the great seal of the State (Seal) of Missouri. Done at the City of Jefferson this 29th day of May A. D. 1893.

WM. J. STONE.

By the Governor:

A. A. LESUEUR,

Secretary of State.

OFFERING A REWARD

AUGUST 7, 1893

From the Register of Civil Proceedings, 1893-1897, p. 83

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS Mike Davis, charged with killing James R. Nicholson in the county of Johnson, has fled from justice, and cannot be arrested by ordinary process of law:

NOW THEREFORE, I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested hereby offer a reward of Two hundred and fifty dollars for the arrest and delivery of said Mike Davis to the sheriff of said county of Johnson, at the county seat thereof, within one year from the date of these presents; reward to be paid on conviction of the crime aforesaid.

In Testimony Whereof, I hereunto set my hand and cause to be affixed the great seal of the State (Seal) of Missouri. Done at the City of Jefferson on this 7th day of August A. D. 1893.

WM. J. STONE.

By the Governor:

A. A. LESUEUR,

Secretary of State.

OFFERING A REWARD

AUGUST 23, 1893

From the Register of Civil Proceedings, 1893-1897, p. 89

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, some persons to me unknown are charged with robbing the Wells Fargo through express car, attached to St. Louis & San Francisco train No. 4, at St. James, in the county of Phelps, on the morning of August 17th 1893, and have fled from justice and cannot be arrested by ordinary process of law:

NOW THEREFORE, I, John B. O'Meara, Lieutenant and acting governor of the State of Missouri by virtue of authority in me vested, hereby offer a reward of Two hundred dollars for the arrest and delivery of each of said unknown persons to the sheriff of said county of Phelps at the county seat thereof, within one year from the date of these presents: reward to be paid on conviction of the party or parties of the crime aforesaid.

In Testimony Whereof, I hereunto set my hand and cause to be affixed the great seal of the State
(Seal) of Missouri—Done at the City of Jefferson, this 23rd day of August A. D. 1893.

JNO. B. O'MEARA.

By the Lieutenant and Acting Governor:
A. A. LESUEUR,
Secretary of State.

OFFERING A REWARD

SEPTEMBER 28, 1893

From the Register of Civil Proceedings, 1893-1897, p. 101

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, Reason Farbush, charged with killing Granville Hayes, in the county of Howard, has fled from justice and cannot be arrested by ordinary process of law.

Now, THEREFORE, I, William J. Stone, governor of the state of Missouri by virtue of authority of law in me vested, hereby offer a reward of Two hundred dollars for the arrest and delivery of said Reason Farbush to the sheriff of said county of Howard, at the county seat thereof, within one year from the date of these presents.

In Testimony Whereof, I hereunto set my hand and cause to be affixed the great seal of the State
(Seal) of Missouri. Done at the city of Jefferson this 28th day of September A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

OFFERING A REWARD

OCTOBER 7, 1893

From the Register of Civil Proceedings, 1893-1897, p. 105

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS some person or persons unknown are charged with wrecking a passenger train of the St. Louis and San Francisco Railway Company on September 30th 1893, in the county of Greene, and have fled from justice and cannot be arrested by ordinary process of law. NOW THEREFORE, I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested, hereby offer a reward of three hundred dollars each for the arrest and final conviction of every person guilty of the crime aforesaid—This offer to stand good for one year from the date hereof.

In Testimony Whereof I hereunto set my hand and cause to be affixed the great seal of the State (Seal) of Missouri. Done at the City of Jefferson this 7th day of October A. D. 1893.

WM. J. STONE.

By the Governor:

A. A. LESUEUR,

Secretary of State.

OFFERING A REWARD

OCTOBER 7, 1893

From the Register of Civil Proceedings, 1893-1897, p. 105

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS Oliver Herner, convicted of burglary and larceny in the county of Clinton, has escaped from jail, and cannot be arrested by ordinary process of law. NOW THEREFORE, I, William J. Stone, governor of the State of

Missouri, by virtue of authority in me vested, hereby offer a reward of two hundred dollars for the arrest and delivery of said Oliver Herner to the sheriff of said county at the county jail thereof within one year from the date of these presents:

In Testimony Whereof, I hereunto set my hand and cause to be affixed the great seal of the State
(Seal) of Missouri—Done at the city of Jefferson this seventh day of October A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON THANKSGIVING

NOVEMBER 8, 1893

From the Register of Civil Proceedings, 1893-1897, pp. 114-115

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON.

The President of the United States, according to custom, has fixed the fifth Thursday of the present month as a day of Thanksgiving—Likewise, in pursuance of an honored custom, long observed in this commonwealth, I supplement the act of the president by appointing the same day as one of thanksgiving in this state and request that the people of Missouri will observe the day expressing their gratitude to Almighty God for His kindness in the past, and invoking his Divine blessing in the future.

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the
(Seal) State of Missouri this eighth day of November A. D. 1893.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON RELINQUISHMENT OF LAND

FEBRUARY 18, 1895

From the Register of Civil Proceedings, 1893-1897, pp. 298-299

To all to whom these presents shall come Greeting:

Know Ye That WHEREAS under the provisions of the act of Congress, approved September 28 1850 entitled "An act to enable the State of Arkansas and other states to reclaim the swampt-lands within their limits: the Surveyor general of the United States for the District of Missouri, reported to the Commissioners of the General Land Office the following described tract, piece or parcel of land in the District of Lands subject to sale at Warsaw now Boonville, Missouri, as inuring to the State of Missouri under the act of Congress aforesaid to wit: The West half of the South West quarter of section Seventeen, township thirty six, North, range twenty-one, West; and WHEREAS the above described tract of land, by a clerical error in the General Land Office at Washington was designated and described as the West half of the South West quarter of section seven, township thirty-six, North, range twenty-one West, and this last described tract of land was inadvertently carried into the United States Swamp Land Patent No. 9, dated September 25, 1865, for Warsaw, now Boonville District, Mo. and WHEREAS, In View of the fact that the said "West Half of the South West quarter of section Seven, township Thirty-six, North Range twenty-one west," was never selected nor claimed by the State as swamp-land, and that the corresponding tract in Section Seventeen, Township thirty six, North, Range twenty-one West, was intended to be included in said Patent No. 9, dated September 25th 1865, and WHEREAS, The county court of Hickory County, Missouri, by an order of record made on the 5th day of February 1895, in accordance with the provisions of Section 6483 Revised Statutes of Missouri, 1889, authorized the

Governor of the State of Missouri to relinquish the title to the United States of the West half of the South west quarter of Section seven township thirty six, North, Range twenty one, west, in State of Missouri for the W ½ of the S. W. ¼ of Section 17, Township 36, N, Range 21 West.

Now Therefore, Be it Known, that I, William J. Stone, governor of the State of Missouri, by virtue of authority in me vested, by the provisions of Section 6483, Revised Statutes of Missouri 1889, and in consideration of the premises hereinbefore recited, do hereby release and forever relinquish unto the United States of America all right, title claim or interest whatsoever of the said State of Missouri in and to the land described as the West half of the South West quarter of section Seven Township thirty six, north, Range twentyone west, intending hereby to restore this land back to the control of the United States as fully as if said patent had never been issued.

In Testimony Whereof I, William J. Stone, Governor of the State of Missouri, have caused these letters to be made patent and the great seal of the State to be hereunto affixed. Given under
(Seal) my hand at the city of Jefferson this eighteenth day of February in the year of our Lord One thousand eight hundred and Ninety-five.

Wm. J. Stone.

By the Governor:
A. A. Lesueur,
Secretary of State.

CALLING AN EXTRA SESSION OF THE GENERAL ASSEMBLY

April 3, 1895

From the Journal of the Senate, Extra Session, pp. 4-5

State of Missouri, Executive Department, Jefferson City.

For a number of years the State has been disgraced by an organized and salaried lobby maintained by special

interests at the capital during the sessions of the General Assembly, for the purpose of influencing legislative action. Encouraged by a seeming lack of public resentment at their presence, and emboldened by repeated successes, these lobbyists have been from year to year increased in numbers, influence and audacity, until they have become an almost dominating force in legislation. So confident have they grown in their strength, and so potent in influence, that they now ply their vocation almost without disguise, in defiance of public authority and in utter contempt of public opinion. It has come to pass that almost every important measure of legislation must undergo the scrutiny of the lobby before its fate can be determined. What it approves is not without hope, but what it condemns is lost. Perhaps the most conspicuous illustration of this disgraceful domination is to be found in the treatment accorded the so-called fellow-servants' bill. I do not now discuss the merits of the measure; I refer only to the means adopted to suppress and defeat it. Those means have been so generally discussed in the press of the State, and the people have thus become so familiar with them, that I deem it unnecessary to restate them in detail.

A number of Senators and Representatives, as well as many good citizens who have felt appalled at the overshadowing influence and humiliated at the triumph of the lobby, have pressed upon me the importance of reconvening the General Assembly, to the end that the issue may be fairly presented and an open test made as to whether a just legislative measure of this character can be enacted into law in spite of the contaminating influence of those who openly boast their ability to direct the current of legislation. These are strong words, I know, and I write them with the keenest regret. But it is clear to me that the time for mild protest is past. We are confronted by the question whether the people or the lobby shall rule in Missouri. The public safety and the honor of the State are at stake. Every Senator, member, public official and citizen familiar with the truth knows that these words are justified by the situa-

tion at Jefferson City. I believe the condition of affairs to which I have adverted is alone sufficient to make it my imperative duty to recall the Senators and Representatives elected by the people in special session, to consider the particular important subject of legislation to which I have referred, which has been so long delayed and so often defeated by influences dangerous to the public right. In this way it can be considered free from the multitude of other perplexing questions incident to a regular session, and thus every Senator and Representative can be afforded unhampered opportunity to discharge his duty to his constituency with the greatest deliberation and intelligence.

But there is another question of the most commanding importance, the proper settlement of which should not be delayed. I refer to the laws governing elections in St. Louis and Kansas City. In the preservation of a free representative government, nothing is so important as the purity of elections. Generally throughout this State I am confident elections are characterized by high integrity. But, unfortunately, this is not true in the large cities. It is known that gross frauds have been committed in those cities. The inducement and opportunity for corrupt practices in large, populous municipalities are great, and experience proves that dishonest men of all parties have not been slow to debauch the elective franchise. Not a few consummate and dastardly outrages have been perpetrated. Candor will compel a general admission that the disgrace of election frauds is fairly divided between the adherents of the different political organizations. The truth of this statement is made evident by the fact that both Republicans and Democrats, so-called, have been recently indicted in St. Louis and Kansas City for active participation in such frauds. In one of the wards in Kansas City, which has a "boss" so conspicuous and potent that the ward is currently referred to as his ward, there are twice as many voters registered as there are adult males residing therein. This "boss" is a noted Republican politician. In the same city it is well known that election returns have been fraudulently changed

in the office of the Recorder of Voters, so as to alter the result at the polls as certified by the judges of election. The officer under whose administration this crime was committed was a Democrat.

When such wrongs are not only possible but are actually and boldly committed, it is evident that the public safety imperatively requires such changes in the law as will not only terminate existing abuses but prevent their repetition in future. This is a question which affects the rights and interests of the people of the entire State almost as vitally as it does the people of the cities immediately concerned. When we reflect that about one-fourth of the total population of the State reside in St. Louis and Kansas City, and consider the tremendous influence which those cities can exert in the election of national and state officials, and on the legislative policies of the State, no thoughtful or patriotic citizen can be oblivious or indifferent to the paramount importance of vigilantly guarding the ballotbox against every description of fraud and crime.

Therefore, in view of the premises, and by virtue of authority in me vested by the Constitution of the State of Missouri, I, William J. Stone, Governor of the State of Missouri, do hereby convene the Thirty-eighth General Assembly of the State of Missouri in extra session, and I do hereby call upon the Senators and Representatives of the General Assembly aforesaid to meet in their respective places in the capitol in the City of Jefferson, at the hour of 12 o'clock noon on Tuesday, the 23d day of April, A. D. 1895, for the following purposes:

First—To enact such legislation as may be necessary and expedient to properly define the relations between the different classes of employes of railroad corporations in this State, and also the proper relations between all such employes and the railroad corporations employing them, and to define and fix the legal liability between the different employes themselves, and also between such employes and the said railroad corporations, for injuries done or received by one of such employes as the result of the culpable negli-

gence of another such employe, while engaged in the service of such corporations.

Second—To provide such legislative enactments as may be necessary and expedient to prevent the maintenance of an organized lobby at the capital of the State, either to obstruct or promote any legislative or executive act, and also to regulate the manner of presenting any question affecting legislation by persons interested therein before the General Assembly, or any committee thereof.

Third—To enact such laws as may be necessary and expedient to prevent fraud against the elective franchise and to secure honest elections in all cities having over 100,000 inhabitants.

Fourth—To consider any other subject that may be submitted by special message during said extra session.

Fifth—To make an appropriation for the expenses of this extra session of the General Assembly.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of Jefferson, this 3d day of April, 1895

(Seal)

WILLIAM J. STONE.

By the Governor:

A. A. LESUEUR,
Secretary of State.

ON RELINQUISHMENT OF LAND

DECEMBER 27, 1895

From the Register of Civil Proceedings, 1893-1897, pp. 401-403

The State of Missouri, to all to whom these Presents shall come—Greeting.

WHEREAS the United States, on the Twentyfirst day of September A D 1895, by their certain Patent, No. 7, conveyed certain lands hereinafter described to the State

of Missouri for the use and benefit of the Cairo and Fulton Railroad Company, consolidated, and now known as the Saint Louis, Iron Mountain and Southern Railway Company and its assigns

And WHEREAS, said patent contained and set forth the following recitals, to wit:

And WHEREAS, by the act of Congress, approved July 28 1866 being "An act to revive and extend the provisions of an act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point upon the Mississippi—opposite the mouth of the Ohio river, via Little Rock to the Texas Boundary, near Fulton in Arkansas, with branches to Fort Smith and the Mississippi River, approved February 9th, 1853, and for other purposes"

And WHEREAS, it is further enacted "that there is hereby granted, added to, and made part of the donation of lands hereby renewed and made subject to the same uses and trusts, and under the same custody, control, and conditions and to be held and disposed of in the same manner as if included in the original grant, all the alternate sections and parts of sections designated by odd numbers, being along the outer line of lands heretofore granted, and within five miles on each side thereof, excepting lands reserved or otherwise appropriated by law, or to which the right of pre-emption or homestead settlement has attached;" and by the Act of May 6, 1870, extending the time for completion of the first section of twenty miles of roads. And WHEREAS, the sections and parts of sections of lands inuring to the State of Missouri in aid of the construction of said Cairo and Fulton Railroad, which has been consolidated, and known as the Saint Louis, Iron Mountain and Southern Railway Company of Missouri and Arkansas, there have been duly selected and reported to this office in accordance with the act aforesaid and the rules and regulations of the General Land Office, as shown by the original list of selections, made by the Land Agent of said railway company on file in the General Land office.

And Whereas pursuant to the act of Congress aforesaid the following described lands have been patented by the United States to the State of Missouri, for the use and benefit of the Cairo and Fulton Railroad Company, consolidated and now known as the Saint Louis, Iron Mountain and Southern Railroad Company, on the twenty first day of September 1895 Patent No. 7, Saint Louis, Iron Mountain and Southern Railroad Lands, to wit:

North of base line and East of Fifth principal meridian, State of Missouri, Township twenty four range five. The North half of the Northwest quarter of section eleven, containing eighty acres. Township twenty five range six. The East half of the South west quarter of section eleven, containing Eighty acres. Township twenty six range six. The south East quarter of the North East quarter of section thirty five, containing forty acres. Township twenty six, range seven. The North west quarter of the south west quarter of section thirty five, containing forty acres, the said tracts of land as described in the foregoing make the aggregate area of (240.00) two hundred and forty acres.

Now Therefore, Know Ye, That the State of Missouri, in consideration of the premises, has given and granted and by these presents does give and grant unto the said Cairo and Fulton Railroad Company, consolidated, and now known as the Saint Louis, Iron Mountain and Southern Railway Company, and to its assigns, all the right, title and interest accruing to the State of Missouri as such trustees, or otherwise, by virtue of said patent, the tracts of land above described: To Have and to Hold the said tracts together with all the rights privileges, immunities and appurtenances thereto belonging, unto the said Saint Louis, Iron Mountain and Southern Railway Company, and to its successors and assigns forever.

In Testimony Whereof, I William J. Stone governor of the State of Missouri have caused these letters to be made Patent, and the great seal of the
(Seal) State of Missouri to be hereunto affixed. Given under my hand at the City of Jefferson, this

twenty seventh day of December in the year of Our Lord One thousand eight hundred and ninety five.

WM. J. STONE.

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON RELINQUISHMENT OF LAND

MARCH 2, 1896

From the Register of Civil Proceedings, 1893-1897, pp. 424-427

The State of Missouri: To all to whom these Presents shall come—Greeting:

WHEREAS, the United States on the twenty-first day of February A D 1896, by their certain patent No. 8— conveyed certain lands hereinafter described to the State of Missouri for the use and benefit of the Cairo and Fulton Railroad Company, consolidated, and now known as the Saint Louis, Iron Mountain and Southern Railway Company and its assigns:

And WHEREAS, said patent contained and set forth the following recitals, to wit: And, WHEREAS, by the Act of Congress, Approved July 28, 1866, being "An act to revive and extend the provisions of an act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point upon the Mississippi opposite the mouth of the Ohio River, via Little Rock to the Texas Boundary, near Fulton in Arkansas, with branches to Fort Smith and the Mississippi River, approved February 9, 1853, and for other purposes" And WHEREAS it is further enacted "that there is hereby granted, added to and made part of the donation of lands hereby renewed and made, subject to the same uses and trusts and under the same custody, control and conditions,

and to be held and disposed of in the same manner as if included in the original grant, all the alternate sections and parts of sections designated by odd numbers, being along the outerline of lands heretofore granted and within five miles on each side thereof, excepting lands reserved or otherwise appropriated by law, or to which the right of preemption or homestead settlement has attached: "And by the act of May 6, 1870, extending the time for completion of the first section of twenty miles of road, And WHEREAS, the sections and parts of sections of lands inuring to the State of Missouri, in aid of the construction of said Cairo and Fulton Railroad, which has been consolidated, and known as the Saint Louis Iron Mountain and Southern Railway Company of Missouri and Arkansas, there have been duly selected and reported to this office in accordance with the act aforesaid and the rules and regulations of the General Land office, as shown by the original list of selections made by the land agent of said railway company on file in the General land office. And WHEREAS, pursuant to the act of congress aforesaid, the following described lands have been patented by the United States to the State of Missouri, for the use and benefit of the Cairo and Fulton Railroad Company, consolidated, and now known as the Saint Louis, Iron Mountain and Southern Railway Company, on the twentyfirst day of February 1896, patent No. 8—Saint Louis, Iron Mountain and Southern Railroad lands, to wit:

North of base line and east of the Fifth Principal Meridian, State of Missouri—Township twenty-two, range two. The lot numbered nine of the South East quarter and the lot numbered thirteen of the Southwest quarter of section twenty-five containing forty-one acres and eighty hundredths of an acre.

Township twenty-two, range three. The North west quarter of the South east quarter of section three, containing forty acres. The North half of the North west quarter of section nineteen, containing fifty five acres and seventeen

hundredths of an acre The South fractional part of the south west quarter (North of State line) of section thirty three, containing eight acres and twenty hundredths of an acre. Township twenty-two, range four, The North west quarter of the South east quarter of section seven, containing forty acres. Township twenty-four Range four. The South West quarter of the North East quarter of section twenty-five containing forty acres. The North East quarter of the North West quarter of section thirty-five, containing forty acres. Township twenty-four range five. The South half of the lot numbered one of the North West quarter of section thirty one, containing forty acres. Township twenty-four, range six. The West half of the lot numbered two of the North west quarter of section five, containing forty-nine acres and sixty four hundredths of an acre. Township twenty five, range six. The north half of the South East quarter of section one containing eighty acres. The North West quarter of the North West quarter. The North West quarter of the South East quarter and the East half of the South East quarter of section eleven, containing one hundred and sixty acres The South East quarter of the South West quarter of section thirteen, containing forty acres. Township twenty six Range Six. The South West quarter of the North East quarter of section thirty five, containing forty acres.

Township twenty-five range seven. The West half of the North East quarter of section nine, containing Eighty acres. Township twenty-six range seven. The South half of the Northeast quarter, the Northwest quarter of the Northwest quarter, the southwest quarter of the southwest quarter and the east half of the southwest quarter of section nine, containing two hundred and forty acres. The North half of the lot numbered one of the northwest quarter of section thirty-one, containing thirty seven acres and fifty three hundredths of an acre.

Township twenty-seven Range eight. The lot numbered four or the Northeast quarter of the southwest quarter

of section seventeen, containing fifty-three acres and twenty hundredths of an acre. The lots numbered three and four of the Southwest quarter of section nineteen, containing seventy nine acres and seventy two hundredths of an acre. Township twenty-seven Range Nine.

The lots numbered seven and eleven and the west half of the lot numbered nine of the Northwest quarter of section one, containing one hundred acres and eighty eight hundredths of an acre. The southeast quarter of the southwest quarter, the southeast quarter of the southeast quarter and the west half of the southeast quarter of section five, containing one hundred and sixty acres. The northeast quarter of the northwest quarter of section nine, containing forty acres.

Township twenty-three Range Fifteen—The southeast quarter of the south west quarter of section one, containing forty acres. The said tracts of land as described in the foregoing make the aggregate area of (1506.14) one thousand five hundred and six acres and fourteen hundredths of an acre. NOW THEREFORE, Know Ye That the State of Missouri, in consideration of the premises, has given and granted, and by these presents does give and grant unto the said Cairo and Fulton Railroad Company, consolidated, and now known as the Saint Louis, Iron Mountain and Southern Railway Company, and to its assigns, all the right, title and interest accruing to the State of Missouri, as such trustee, or otherwise, by virtue of said patent, the tracts of land above described: To have and to hold the said tracts together with the rights, privileges, immunities and appurtenances thereto belonging, unto the said Saint Louis Iron Mountain and Southern Railway Company, and to its successors and assigns forever.

In Testimony Whereof, I, William J. Stone governor of the State of Missouri, have caused these letters to be made patent, and the great seal
(Seal) of the State of Missouri to be hereunto affixed. Given under my hand at the City of Jefferson

this second day of March in the year of Our Lord one thousand eight hundred and ninety-six.

WM. J. STONE.

By the Governor:

A. A. LESUEUR,

Secretary of State.

ON FILING OF BOND FOR REMOVAL OF CAPITAL TO SEDALIA

APRIL 30, 1896

From the Register of Civil Proceedings, 1893-1897, pp. 447-450

WHEREAS—The Thirty Eighth General Assembly of the State of Missouri, on the twentieth day of February A. D. 1895, by a concurrent resolution of the two houses thereof, submitted to the qualified voters of the said state a proposed amendment to the constitution of said state providing for the removal of the seat of government of the said state from the City of Jefferson to the City of Sedalia, and also providing for the donation of grounds to the State, and for the erection thereon, without expense to the state, of a capitol building, supreme court building, armory and executive mansion equal or superior in area stability and architectural merits to the buildings now owned by the state and used for said purposes at the City of Jefferson: and WHEREAS—The said Thirty-eighth General Assembly afterwards passed an act, approved March 18, 1895, providing, among other things, that when any proposed amendment to the constitution of the state shall be submitted to the qualified voters thereof, changing the seat of government therein, and providing for the erection of new public buildings and the donation of grounds for such buildings without expense to the state, it shall be lawful, and be the duty of, the city or county within which the seat of government is proposed to be located, either directly, or through some

person or persons in lieu thereof, to deposit with the governor such securities, bonds or obligations as he may deem sufficient to guarantee the execution of such buildings and the donation of such grounds without expense to the State, as well as to guarantee in addition, the faithful performance of any other provisions of such proposed amendment to the Constitution; and WHEREAS, the said mentioned act of the General Assembly further provides that the amount of the securities, bonds or obligations to be deposited with the governor shall be the estimated cost of erecting such buildings and procuring such grounds as the proposed amendment may provide for, together with the cost of carrying out any other provisions of such proposed amendment: and also provides that for the purpose of determining the cost of such buildings the governor shall take the advice of some competent architect or architects; and WHEREAS the said mentioned act further provides that the securities, bonds or obligations to be deposited with the governor shall be so deposited on or before the first day of May next prior to the general election at which such proposed constitutional amendment is to be voted upon and that if the said securities are satisfactory to the governor he shall proclaim the same by proclamation:

NOW, THEREFORE, I, William J. Stone, governor of Missouri hereby proclaim:

First, That in the month of December, 1895, I employed two competent architects, viz. M. Fred Bell of Fulton and W. B. Ittner, of the firm of Link, Rosenheim and Ittner of St. Louis, to estimate the cost of erecting new capitol, armory, supreme court and library buildings, and new executive mansion, equal in all respects to those now owned by the state at Jefferson City. The architects made their estimates on the basis of reproducing the buildings now in use. The present buildings, estimated on that basis, were valued at $594,204.00.

Second, That I was unable to procure definite and certain information as to the cost of purchasing grounds at

Sedalia for the reason that that could not be done until the grounds are selected and no selection of grounds can be made unless, and until after, the proposed amendment is adopted; but I have had estimates made by leading real estate dealers at Sedalia of the probable cost of suitable grounds in Sedalia equal in area to the capitol and mansion grounds now owned by the State at Jefferson City. It is estimated by them that such grounds can be procured at a maximum cost of $10,000.

Third, That after careful enquiry I estimated that the additional cost or expense above the cost of grounds and buildings, incident to the submitting of the proposed amendment and the removal of the seat of government, should the amendment be adopted, and from the payment of which the state is entitled under the law to be indemnified, cannot exceed $5,000.00.

Fourth, That after said estimates were made and submitted to a committee of citizens representing the City of Sedalia, to wit: on the 20th day of April 1896, the following described bonds were filed with me as governor, under the provisions of the said recited act of the General Assembly, approved March 18, 1895, to wit: 1st a bond signed by James Stewart & Co., Alexander M. Stewart and James Stewart, as principals, and by the American Surety Company of New York as security (for and in lieu of the City of Sedalia and the county of Pettis) in the penal sum of six hundred thousand dollars payable to the State of Missouri, upon condition that if the said proposed constitutional amendment shall be adopted by the voters of the state, and if the obligors in said bond shall furnish the plans and all materials and labor for, and pay all expenses incurred in the construction of a suitable capitol building at Sedalia equal in floor area and appointments to the present capitol and supreme court buildings, and an armory and governor's mansion likewise similar or superior to the present armory and governor's mansion, at and upon the grounds selected for that purpose at Sedalia by the commission designated in

the said proposed amendment, and shall deliver over to the state of Missouri, or to the said commission all of said buildings, constructed and completed according to the terms of the said proposed amendment, without cost or expense to the state, and shall do and perform each and everything necessary and required to be done with relation to the erection and completion of said buildings by the terms of said proposed amendment, then said bond shall be void, other wise to remain in full force. This bond I accepted on the said 20th day of April 1896, as being satisfactory to me, and hereby proclaim the same as above stated.

2nd Also a bond signed by the following citizens of Sedalia, to wit: D. H. Smith, S. H. Beiler, W. N. Johns, John N. Daily, J. C. Van Riper, R. H. Moses, D. C. Metsker, Samuel C. Gold. J. B. Quigley, W. L. Porter, Morris Haner, C. E. Messerly, E. C. Maison, J. E. Ritchey, F. E. Hoffman, J. H. Menz, Jno D. Crawford, C. W. Robbins, McLaughlin Bros., H. H. Marcan, Wm Courtney, W. H. Powell, Jr. Edward Hurley, and John Waddell (and which was signed by them for and in lieu of the City of Sedalia) in the penal sum of fifteen thousand dollars, payable to the State of Missouri, upon condition that if the City of Sedalia or the county of Pettis, or some person or persons in lieu thereof, shall do and perform all the acts and things lawfully required to be done and performed by and under the terms of the said proposed amendment to the constitution, and the said cited act of the General Assembly, so as to indemnify and save the state harmless from all and every outlay or expense incurred by the state, its officers or agents in procuring grounds for the erection of public buildings at Sedalia, or in performing and carrying out any other provision of such proposed constitutional amendment or said cited act of the General Assembly, then the said bond shall be void, otherwise to remain in force. This bond 1 accepted on the said 20th day of April 1896, as being satisfactory, and hereby proclaim the same as above stated.

In Testimony Whereof, I have hereunto signed my name and caused to be affixed the great seal of
(Seal) the State of Missouri. Done at the City of Jefferson this thirtieth day of April, A D. 1896.

WM. J. STONE.

By the Governor:

A. A. LESUEUR,

Secretary of State.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION.

MARCH 21, 1893

From the Register of Civil Proceedings, 1893-1897, p. 31

The Governor, in accordance with section 8785, R. S. 1889, having approved of the quarantine regulations adopted by the State Board of Agriculture establishing and defining a quarantine line for the purpose of preventing the spread of contagious disease among cattle, issued his proclamation promulgating said regulations, and ordering that the same be observed and enforced throughout the state.

OCTOBER 12, 1893

From the Register of Civil Proceedings, 1893-1897, p. 106

The Governor, under the approval of the executive committee of the state Board of Agriculture, issued an order modifying the quarantine regulations promulgated March 21st 1893, so as to exclude from the infected area described in said regulations the counties of Benton, Washington, Carroll, Madison, Boone, Newton, Marion, Searcy, Baxter, Stone, Fulton, Izard, Sharp, Independence, Lawrence, Randolph, Greene and Clay in the State of Arkansas—and promulgated said order by proclamation of this date.

NOVEMBER 10, 1893

From the Register of Civil Proceedings, 1893-1897, p. 115

The Governor issued his proclamation offering a reward of Three hundred dollars for the arrest and conviction of Jesse G. B. Jones charged with killing Isaiah Jackson in Miller county; reward to stand good for one year.

NOVEMBER 10, 1893

From the Register of Civil Proceedings, 1893-1897, p. 115

The Governor issued his proclamation offering a reward of Two hundred dollars for the arrest and conviction of Joe Cole charged with killing Daniel Mitchell in St Charles County; reward to stand good for one year.

NOVEMBER 10, 1893

From the Register of Civil Proceedings, 1893-1897, p. 116

The Governor issued his proclamation offering a reward of One hundred and fifty dollars each for the arrest and conviction of Joe Corbett and ——— Williams charged with killing one ——— Gilbert in St Charles County—; reward to stand good for one year.

NOVEMBER 13, 1893

From the Register of Civil Proceedings, 1893-1897, p. 117

The Governor issued his proclamation offering a reward of Two hundred dollars for the arrest and conviction of Marion King charged with killing Eli Hobbs in Daviess County; reward to stand good for two years.

NOVEMBER 21, 1893

From the Register of Civil Proceedings, 1893-1897, p. 120

The Governor, on the 15th day of April 1893 issued a state certificate of indebtedness, under section 8820, R. S. 1889, to the State Board of Education, in trust for the State Seminary Fund, for the sum of Two thousand dollars, payable in twenty years after date with five per centum interest,

payable on the first days of January and July—said interest to be applied to the maintenance of the School of Mines and Metallurgy at Rolla, Missouri.

NOVEMBER 21, 1893

From the Register of Civil Proceedings, 1893-1897, p. 120

The Governor, on the 15th day of May 1893 issued a state certificate of indebtedness, under section 8820 R. S. 1889, to the State Board of Education, in trust for the State Seminary Fund, for the sum of Five thousand dollars, payable in twenty years after date, with interest at the rate of five percentum per annum payable on the first days of January and July; said interest to be applied to the maintenance of the State University.

DECEMBER 1, 1893

From the Register of Civil Proceedings, 1893-1897, p. 123

The Governor issued his proclamation offering a reward of Three hundred dollars for the arrest and conviction of each of the persons, unknown, charged with killing one J. Comstock in Cedar county—said reward to stand for one year from the date hereof.

JANUARY 15, 1894

From the Register of Civil Proceedings, 1893-1897, p.134

The Governor issued a proclamation offering a reward of Three hundred dollars for arrest and conviction of the unknown persons who on the 10th of January 1893, forcibly stopped a train on the Burlington railroad near St Joseph and robbed the Express Car attached to said train—Reward to stand good for one year.

JANUARY 27, 1894

From the Register of Civil Proceedings, 1893-1897, p. 141

The Governor issued a proclamation offering a reward of One hundred and fifty dollars for the arrest and conviction of Walter Crabtree (he to be delivered to the sheriff of Henry County) who is charged with killing John Leech in said county—Reward to stand good for one year.

MARCH 8, 1894

From the Register of Civil Proceedings, 1893-1897, p. 155

The Governor having, in accordance with section 8785 R. S. 1889, approved of the quarantine regulations adopted by the State Board of Agriculture, establishing and defining a quarantine line for the purpose of preventing the spread of contagious disease among cattle, issued his proclamation promulgating said regulations and ordering that the same be observed and enforced throughout the state.

MARCH 28, 1894

From the Register of Civil Proceedings, 1893-1897, p. 161

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and delivery of E. B. Loper, a fugitive from justice to the sheriff of Cass county—and for his conviction of the crime of killing his wife and two children—Reward to stand good for one year.

APRIL 7, 1894

From the Register of Civil Proceedings, 1893-1897, p. 165

The Governor issued a proclamation offering a reward of Two hundred dollars for the arrest and conviction of Alfred Devore charged with raping Alta Jefferies—said reward to stand good for one year from date.

MAY 19, 1894

From the Register of Civil Proceedings, 1893-1897, p. 177

The Governor issued a proclamation offering a reward of three hundred dollars each for the arrest and conviction of William P. Taylor and George E. Taylor charged with killing Gus Meeks, and his wife and two children in the county of Linn about May 11 1894; said reward to stand good for one year from date.

MAY 19, 1894

From the Register of Civil Proceedings, 1893-1897, p. 177

The Governor issued a proclamation offering a reward of Three hundred dollars for the arrest and conviction of each of the unknown persons charged with robbing a bank at South West City and with killing J. C. Seabourn while attempting to escape; said reward to stand good for one year from date and payable on conviction of either of said crimes.

JUNE 25, 1894

From the Register of Civil Proceedings, 1893-1897, p. 190

The Governor issued a proclamation promulgating the action of the State Board of Agriculture exempting and excluding from the quarantine regulations of the 8th of March 1894 the counties of Searcy, Stone and Independence in the State of Arkansas.

JULY 23, 1894

From the Register of Civil Proceedings, 1893-1897, p. 198

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of the unknown murderers of C. L. Moore and wife—reward good for two years.

AUGUST 20, 1894

From the Register of Civil Proceedings, 1893-1897, p. 208

The Governor issued a proclamation recommending the observance of the third day of September as Labor day.

SEPTEMBER 18, 1894

From the Register of Civil Proceedings, 1893-1897, p. 213

The Governor issued a proclamation offering a reward of Two hundred dollars for the arrest and conviction of C. W. White a fugitive from justice, charged with embezzling moneys coming into his hands as a public officer—Reward to stand good for one year from this date.

OCTOBER 10, 1894

From the Register of Civil Proceedings, 1893-1897, p. 220

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and delivery of Columbus Hayes to the sheriff of Andrew county within one year.

NOVEMBER 13, 1894

From the Register of Civil Proceedings, 1893-1897, p. 227

The Governor issued a proclamation designating Thursday November 29th as Thanksgiving day and recommended its observance.

NOVEMBER 20, 1894

From the Register of Civil Proceedings, 1893-1897, p. 235

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of Lane Britton charged with murder.

NOVEMBER 26, 1894

From the Register of Civil Proceedings, 1893-1897, p. 245

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of Wm L. Barnett charged with embezzlement as a public officer.

DECEMBER 3, 1894

From the Register of Civil Proceedings, 1893-1897, p. 256

The Governor issued a proclamation offering a reward of Two hundred dollars for the arrest and delivery of Chas F. alias Frank Huffman to the sheriff of Cooper county.

DECEMBER 7, 1894

From the Register of Civil Proceedings, 1893-1897, p. 263

The Governor issued a proclamation offering a reward of $300 for arrest and delivery of Joseph Ryan (to the sheriff of Clark County within one year from date) charged with assaulting R. P. Corey.

DECEMBER 8, 1894

From the Register of Civil Proceedings, 1893-1897, p. 265

The Governor issued proclamations offering rewards for the arrest and delivery of the following fugitives from justice:

James French—sentenced to the penitentiary for arson by the Supreme Court, one hundred dollars:

Thomas Sanford—sentenced to the penitentiary by the Supreme Court for assault with intent to ravish—Two hundred dollars.

Luther Russell—sentenced to the penitentiary by the supreme court for assault to kill—one hundred dollars

Bridget Flynn, sentenced to the penitentiary by the Supreme Court for grand larceny—One hundred dollars.

DECEMBER 21, 1894

From the Register of Civil Proceedings, 1893-1897, p. 276

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of Grant Freeman charged with killing Mace Smith.

JANUARY 3, 1895

From the Register of Civil Proceedings, 1893-1897, p. 280

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and delivery of James Owens to the sheriff of Buchanan county within one year from date.

JANUARY 11, 1895

From the Register of Civil Proceedings, 1893-1897, p. 283

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and delivery of Mike Davis to the sheriff of Pettis county within one year from date.

JANUARY 14, 1895

From the Register of Civil Proceedings, 1893-1897, p. 284

The Governor issued a proclamation offering a reward of three hundred dollars for arrest and conviction of the unknown murderers of Price Ditch.

JANUARY 16, 1895

From the Register of Civil Proceedings, 1893-1897, p. 287

The Governor issued a writ of election to the sheriff of Carroll ordering an election to be held in said county on the 29th day of January 1895 for the election of a representative in the legislature to fill the vacancy in the House of Representatives of the 38th General Assembly caused by the death of the Honorable Allen D. Richards.

JANUARY 25, 1895

From the Register of Civil Proceedings, 1893-1897, p. 290

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of Charles Taylor charged with rape.

JANUARY 25, 1895

From the Register of Civil Proceedings, 1893-1897, p. 290

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of James Perkins charged with burglary and larceny committed in Scott County.

MARCH 11, 1895

From the Register of Civil Proceedings, 1893-1897, p. 309

The Governor having in accordance with law, approved the quarantine regulations adopted by the State Board of Agriculture, (establishing and defining a quarantine line for the purpose of preventing the spread of contagious disease among cattle,) did, on the 6th day of March 1895 issue his proclamation promulgating said regulations and ordering the same observed and enforced throughout the State of Missouri.

MARCH 11, 1895

From the Register of Civil Proceedings, 1893-1897, p. 309

The Governor having in accordance with law approved the quarantine regulations adopted by the State Board of Health to prevent the introduction and spread of disease in the State Penitentiary, did on the 9th day of March 1895, issue his proclamation promulgating said regulations and ordering the same observed and enforced throughout the state.

MARCH 28, 1895

From the Register of Civil Proceedings, 1893-1897, p. 316

The Governor issued a proclamation vacating from and after July 1st 1895 all commissions issued to commissioners of deeds prior to the 1st day of January 1885.

MARCH 28, 1895

From the Register of Civil Proceedings, 1893-1897, p. 316

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of each of the unknown train robbers who held up and robbed Iron Mountain train No. 54 on March 27, 1895, said reward to stand good for one year.

APRIL 2, 1895

From the Register of Civil Proceedings, 1893-1897, p. 318

The Governor issued a writ of election to the sheriff of Oregon county ordering an election to be held in said county April 16th 1895 for the election of a representative in the 38th General Assembly to fill the vacancy caused by the death of Hon. J. B. Old.

APRIL 3, 1895

From the Register of Civil Proceedings, 1893-1897, p. 318

The Governor issued a proclamation convening the Thirty Eighth General Assembly in Extra Session on the 23rd day of April 1895.

APRIL 25, 1895

From the Register of Civil Proceedings, 1893-1897, p. 325

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and delivery of C. F. Holton alias Kelly to the sheriff of Dunklin County within one year from date.

MAY 11, 1895

From the Register of Civil Proceedings, 1893-1897, p. 330

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and delivery of Jacob Byron Baker to the sheriff of Moniteau County within one year.

MAY 31, 1895

From the Register of Civil Proceedings, 1893-1897, p. 338

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and delivery of Alfred Devore, a fugitive from justice, to the sheriff of Pulaski county, and his conviction of the crime of rape with which he is charged. Said reward to stand good for one year from this date.

JUNE 29, 1895

From the Register of Civil Proceedings, 1893-1897, p. 349

The Governor issued a proclamation offering a reward of two hundred dollars each for the arrest and conviction of the unknown murderers of Daniel H. Stone.

JULY 1, 1895

From the Register of Civil Proceedings, 1893-1897, pp. 349-350

The Governor in behalf of the State of Missouri on the 15th day of April 1895, issued a certificate of indebtedness, under section 8818 R. S. 1889, to the State Board of Education of said state, in trust for the State Seminary Fund, for the sum of Five Thousand dollars, payable fifty years after

date with interest at the rate of five per cent. per annum payable on the first days of July and January of each year; said interest to be applied three fourths to the maintenance of the State University and one fourth to the maintenance of the School of Mines at Rolla, Missouri.

JULY 3, 1895

From the Register of Civil Proceedings, 1893-1897, p. 351

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of William Wright charged with the murder of his wife in Vernon county on the 29th of June 1895.

JULY 13, 1895

From the Register of Civil Proceedings, 1893-1897, p. 354

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and delivery of Mick F. Davis to the sheriff of the county of Butler.

JULY 16, 1895

From the Register of Civil Proceedings, 1893-1897, p. 355

The Governor issued a writ to the sheriff of Caldwell county commanding him to arrest one Jerome L. Johnson and deliver him to the Warden of the Missouri penitentiary, said Jerome L. Johnson having returned to the state of Missouri in violation of the conditions of the pardon issued to him on the Second of July 1891, and commanding the warden of the penitentiary to receive said Jerome L. Johnson and confine him in said penitentiary there to serve out the sentence of the Supreme Court rendered at its October term 1882.

JULY 20, 1895

From the Register of Civil Proceedings, 1893-1897, p. 357

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of the unknown murderer or murderers of James E. Ousborn—good for one year.

JULY 29, 1895

From the Register of Civil Proceedings, 1893-1897, p. 359

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of W. J. Ray charged with killing A. C. Crain July 23, 1895, in the County of Christian. Reward good for one year.

JULY 31, 1895

From the Register of Civil Proceedings, 1893-1897, p. 360

The Governor, in behalf of the State of Missouri, on the 1st day of July 1895, issued a certificate of indebtedness to the State Board of Education of said state, in trust for the State Seminary Fund, for the sum of Twenty Two Thousand eight hundred and eighty-one dollars and nineteen cents, payable fifty years after date, with interest at the rate of five per cent. per annum, payable on the first day of July and January of each year; said interest to be applied—three fourths to the maintenance of the State University at Columbia and one fourth to the maintenance of the School of Mines at Rolla.

AUGUST 1, 1895

From the Register of Civil Proceedings, 1893-1897, p. 360

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of Ab. Mead charged with killing William Agan in Lawrence County July 22nd, 1895—reward to stand good for one year.

SEPTEMBER 7, 1895

From the Register of Civil Proceedings, 1893-1897, p. 372

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of the unknown person or persons who burned district school house in district No 2 - 44 - 12 in the county of Cole on September 1st 1895.

SEPTEMBER 21, 1895

From the Register of Civil Proceedings, 1893-1897, p. 375

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of the person who committed rape upon Miss Ollie Franie—Reward to stand good for one year from date.

OCTOBER 2, 1895

From the Register of Civil Proceedings, 1893-1897, p. 378

The Governor issued a proclamation offering a reward of one hundred and fifty dollars for the arrest and conviction of Wiley Laycock, Geo Laycock and Bell Laycock, (or proportional part thereof for the conviction of either of them) charged with killing Price Hopkins—reward to stand for one year.

OCTOBER 11, 1895

From the Register of Civil Proceedings, 1893-1897, p. 381

The Governor issued a proclamation offering a reward of One hundred and fifty dollars for the arrest and conviction of John Hartley of the crime of killing William Lack—said reward to stand good for one year.

NOVEMBER 11, 1895

From the Register of Civil Proceedings, 1893-1897, p. 387

The Governor issued a proclamation designating Thursday November 28th 1895 as thanksgiving day and recommended its observance by the people of Missouri.

NOVEMBER 11, 1895

From the Register of Civil Proceedings, 1893-1897, p. 387

The Governor issued a proclamation offering a reward of One hundred and twenty five dollars for the arrest and conviction of the unknown persons who burned the school building in school district No. 4-44-16 in Moniteau county—Reward good for one year.

DECEMBER 20, 1895

From the Register of Civil Proceedings, 1893-1897, p. 399

The Governor issued a proclamation offering a reward of two hundred and fifty dollars for the arrest and conviction of Lane Britton, charged with murder, reward to stand good for one year.

FEBRUARY 7, 1896

From the Register of Civil Proceedings, 1893-1897, p. 415

The Governor issued a proclamation offering a reward of Three hundred dollars for the arrest and conviction of the unknown persons, or either of them, who robbed a train crew near Nassau Junction Jany 15th 1896 said reward to stand good for one year.

FEBRUARY 26, 1896

From the Register of Civil Proceedings, 1893-1897, p. 422

The Governor issued a proclamation offering a reward of Two hundred dollars for the arrest and delivery of L. P. Burns to the sheriff of Pemiscot and his conviction of the crime of killing J. W. Shoemake in said county Jan. 28, 1896—said reward to stand good for one year from date of proclamation.

FEBRUARY 28, 1896

From the Register of Civil Proceedings, 1893-1897, p. 423

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest of Joseph Ryan charged with killing R. P. Cora and for his conviction of the crime aforesaid—said reward to hold good for the period of one year from date.

FEBRUARY 29, 1896

From the Register of Civil Proceedings, 1893-1897, p. 423

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of Wm. Emerson charged with killing Isaac Ray in St. Clair county Jan'y 1896, said reward to stand good for one year from date.

FEBRUARY 29, 1896

From the Register of Civil Proceedings, 1893-1897, p. 423

The Governor issued a proclamation promulgating and ordering observed and enforced throughout the state the quarantine regulations adopted by the State Board of Health to prevent the introduction and spread of disease in the State penitentiary.

MARCH 2, 1896

From the Register of Civil Proceedings, 1893-1897, p. 427

The Governor issued a proclamation promulgating and ordering observed and enforced throughout the State the quarantine regulations adopted by the State Board of Agriculture establishing and defining a quarantine line for the purpose of preventing the spread of contagious diseases among cattle.

MARCH 9, 1896

From the Register of Civil Proceedings, 1893-1897, p. 430

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of the unknown murderers of William J. Looney—said reward to stand good for one year.

MARCH 27, 1896

From the Register of Civil Proceedings, 1893-1897, p. 436

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of Unknown persons who robbed an Iron Mountain railroad train.

MARCH 28, 1896

From the Register of Civil Proceedings, 1893-1897, p. 437

The Governor issued a proclamation offering a reward of One hundred dollars for arrest and delivery of Cyrus S. Craft who escaped from jail of Pulaski County March 22, 1896.

MARCH 30, 1896

From the Register of Civil Proceedings, 1893-1897, p. 438

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of the unknown persons who assisted in the escape of prisoners from the Pulaski County jail on the night of the 22nd of March 1896.

APRIL 6, 1896

From the Register of Civil Proceedings, 1893-1897, p. 439

The Governor issued a proclamation offering a reward of one hundred and fifty dollars for arrest and conviction of person who burned a store in Barry Co.

APRIL 6, 1896

From the Register of Civil Proceedings, 1893-1897, p. 440

The Governor issued a proclamation offering a reward of $300 for the arrest and conviction of Jake Weber alias "Dutch Jake" and John O Brien alias Red O'Brien charged with robbing a bank at Savannah.

APRIL 13, 1896

From the Register of Civil Proceedings, 1893-1897, p. 442

The Governor issued a proclamation offering a reward of Two hundred dollars for the arrest and delivery of George Taylor to the sheriff of Carroll county—within one year from date.

APRIL 18, 1896

From the Register of Civil Proceedings, 1893-1897, p. 443

The Governor issued a proclamation offering a reward of Two hundred dollars for arrest of Jos. Wilkerson charged with killing Jame Sechrist in Lafayette county on Apl 15, 1896,—and his conviction of the crime aforesaid—reward good for one year.

MAY 9, 1896

From the Register of Civil Proceedings, 1893-1897, p. 453

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and delivery of E. B. Soper, charged with killing his wife and two children, to the sheriff of Cass co.—Good for one year.

JUNE 16, 1896

From the Register of Civil Proceedings, 1893-1897, p. 462

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and delivery of Columbus Hayes to the sheriff of Andrew County, at the county seat, within one year from date.

JUNE 20, 1896

From the Register of Civil Proceedings, 1893-1897, p. 464

The Governor issued a proclamation offering a reward of One hundred and fifty dollars for arrest and conviction of George Lucas charged with killing Charles Smith in the county of St. Charles.

JUNE 29, 1896

From the Register of Civil Proceedings, 1893-1897, p. 468

The Governor issued a proclamation offering a reward of three hundred dollars for arrest and delivery of Nobel Shepard to the Sheriff of St. Louis within one year.

JULY 14, 1896

From the Register of Civil Proceedings, 1893-1897, p. 471.

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of Ed. McKenzie charged with murder—reward good for one year from date.

JULY 15, 1896

From the Register of Civil Proceedings, 1893-1897, p. 472

The Governor issued a proclamation offering a reward of $200 dollars for arrest and conviction of unknown persons who robbed the store of Marshall and Tatum at Noel McDonald county—reward to stand for one year.

SEPTEMBER 8, 1896

From the Register of Civil Proceedings, 1893-1897, p. 487

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of Henry Banks charged with killing George Cassaboone.

OCTOBER 12, 1896

From the Register of Civil Proceedings, 1893-1897, p. 498

The Governor issued a proclamation offering a reward of Three hundred dollars for the arrest and conviction of the unknown murderer or murderers of Mathew Clark of Clay county.

OCTOBER 26, 1896

From the Register of Civil Proceedings, 1893-1897, p. 501

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of James Albright and Joseph Albright charged with killing Isaac Large in the county of Mississippi—reward good for one year.

OCTOBER 30, 1896

From the Register of Civil Proceedings, 1893-1897, p. 504

The Governor issued a proclamation offering a reward of two hundred dollars each for the arrest and conviction of the unknown persons who robbed the express car of the Chicago and Alton Railroad Company Oct 23rd 1896—provided the said persons are sentenced to the penitentiary or if said persons are sentenced to death then reward to be three hundred dollars each.

NOVEMBER 2, 1896

From the Register of Civil Proceedings, 1893-1897, p. 505

The Governor issued a proclamation offering a reward of from one hundred to three hundred dollars for the arrest and conviction of each person convicted of fraud, bribery, coercion or intimidation or attempting to commit any of said crimes or wilfully violating any of the provisions of the election law at the general election to be held in the cities of St. Louis and Kansas City, Nov. 3, 1896.

NOVEMBER 12, 1896

From the Register of Civil Proceedings, 1893-1897, p. 508

The Governor issued a proclamation designating Thursday the 26th of November 1896 as Thanksgiving day and recommended its observance by the people of Missouri.

NOVEMBER 16, 1896

From the Register of Civil Proceedings, 1893-1897, p. 510

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of J. D. Frier charged with killing C. B. Hacker—reward to stand good for one year.

NOVEMBER 30, 1896

From the Register of Civil Proceedings, 1893-1897, p. 522

The Governor having, as required by law, opened the certificates from the several counties in each electoral district of the State of Missouri, certifying the election of electors of president and vice-president at the general elec-

tion held on the third day of November 1896: and having examined said certificates and added up the vote from the several counties and the city of St. Louis, ascertained thereby, and did on the 30th day of November 1896 declare, that there were duly elected as electors for president and vice president of the United States the following persons to wit: Dewitt C. Allen and Thomas B. Anderson electors at large:

Christopher C. Fogle	first district
Gideon F. Rothwell	second district
William D Hamilton	third district
James J. Shoecroft	fourth district
Wiley O. Cox	fifth district
Clement C. Dickinson	sixth district
Charles J Wilkins	seventh district
Arcus L Douglas	eighth district
Thomas S. Cunningham	ninth district
William G. Frye	tenth district
Felix E. Gunn,	eleventh district
Daniel L. Hatton	twelfth district
Robert Lamar	thirteenth district
Simeon A. Handy	fourteenth district
John B. Cole	fifteenth district

and on said 30th day of November the governor certified the ascertainment and facts aforesaid under the great seal of the State to the Secretary of State of the United States as required by the act of Congress of February 3rd 1887, and also duly notified each of said electors of their election and requested them to meet at the Capitol in Jefferson City on the Second Monday in January A. D. 1897.

DECEMBER 12, 1896

From the Register of Civil Proceedings, 1893-1897, p. 533

The Governor issued a proclamation offering a reward of one hundred dollars each for the arrest and conviction of

the unknown criminals who attempted to rob the express car of an Iron Mountain Train and two hundred dollars in cases where death penalty is imposed.

DECEMBER 22, 1896

From the Register of Civil Proceedings, 1893-1897, p. 540

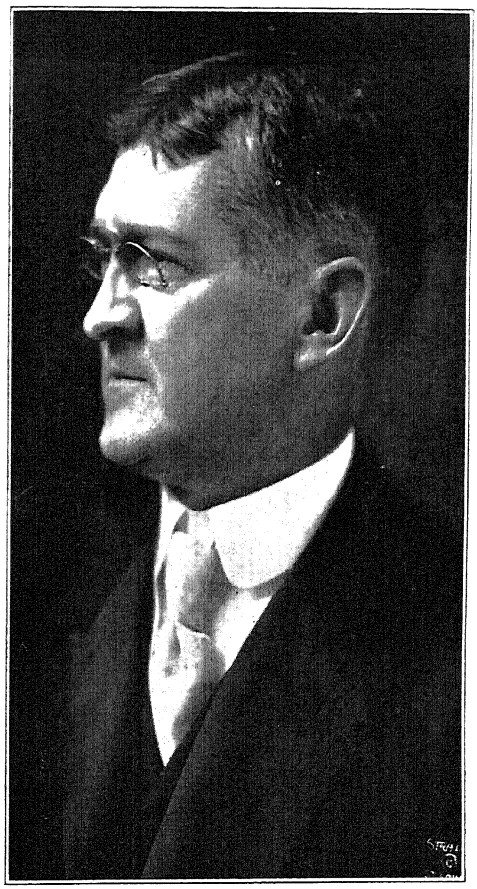
The Governor issued a proclamation offering a reward of fifty dollars each for the arrest and conviction of the unknown persons who assaulted Dr. H. W. Latham in the county of Moniteau December 15th, 1896.

DECEMBER 28, 1896

From the Register of Civil Proceedings, 1893-1897, p. 542

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of unknown ravisher of Kittie Ashwell in Pettis county.

GOVERNOR LON V. STEPHENS



LAWRENCE VEST STEPHENS

Governor 1897-1901

LAWRENCE VEST STEPHENS

BY
ROY D. WILLIAMS

It is passing strange that the governor of the State of Missouri at the time of the outbreak of the Spanish American War should have been born and reared within twenty miles of the home of the chief executive of our State when the great Civil War began. Lon V. Stephens, who was governor from 1897 to 1901, was born in Boonville, Missouri, on December 1, 1858. Claiborne F. Jackson lived at Arrow Rock, Missouri, a scant twenty miles from the birth place and home of Governor Stephens.

Lawrence Vest Stephens was the son of Joseph L. and Martha Gibson Stephens. Joseph L. Stephens had been a candidate for governor but was defeated for the nomination by Silas Woodson. The middle name of Governor Stephens was "Vest." He was named for the incomparable Missouri senator, George Graham Vest, who had been a partner of Governor Stephens' father in the practice of the law.

The training of Governor Stephens began early in life. He attended the public schools of Boonville, Kemper Family School, Cooper Institute, and took the course in law at Washington and Lee University, at Lexington, Virginia.

Early in life Governor Stephens evinced a fondness for journalism, and, in the vacation months, he spent much of his time in the composing room of *The Boonville Advertiser*. He also took time to acquire a working knowledge of telegraphy, which he used as a pleasure and recreation. At an early age he became editor of *The Boonville Advertiser*, and this threw him, naturally, into politics. The young editor had a happy way of expressing his editorial thought through the medium of this journal, and the paper, under his guidance, had a large circulation and was frequently quoted in the metropolitan press of the State. Commenting on the

part played by Governor Stephens in the field of journalism, the late William Marion Reedy, gifted editor of *The Mirror*, wrote some years ago as follows:

> In brief time the *Advertiser* awakened Boonville and Missouri to the fact that there was a man behind it—a man who had something to say, was not afraid to say it, and knew how best to say it, so that it might stick in the minds of the readers. He had the rhetorical gift, humor, wit and inclusive sympathy. When occasion demanded, he was effective in invective and sarcasm, and now and then there was a savor in his writing of the bucolic idyllic. "Lon" Stephens still keeps up his connection with the *Advertiser* in occasional contributions, and these writings bear no trace of world-weariness, but are fresh with the spirit of the simpler, serener life of the better country town of the days that are no more. And where there appears a paragraph signed "L. V. S.," bearing upon State politics, there is no politician in the State who does not take notice of its significance, for "L. V. S." has political foresight in excelsis; it comes of the subtle sympathy he has with the thought and feeling of the people. He is a good judge of men and has the flair for discovering leaders. His "Silver Nuggets" attracted national attention, and helped to make him Governor, by, perhaps, the largest majority the State has ever given. His "Sharps and Flats" will ever be remembered in Missouri, especially by those who had in one way or the other lost out in the confidence of Gov. Stephens. Nearly every politician in the State, Democrat and Republican, has a copy of Stephens' "Sharps and Flats" pigeon-holed for immediate reference.

In 1887 Governor Stephens was giving a large measure of his time to the affairs of the Central National Bank, which had been his father's bank. At that time the Fifth National Bank of St. Louis failed. The outlook was depressing, for thousands of firms and individuals carried their accounts

with the old and respectable Fifth National Bank of St. Louis. A wire came from Washington, announcing that Lon V. Stephens, "a country banker, of Boonville, Missouri," had been named as Receiver. He was but twenty-nine years of age. His ability, however, was so generally recognized that his selection was widely approved. He attacked the task with energy, bringing to this position of trust an unquestioned honesty and a great capacity. How well he performed his trust is indicated by the fact that depositors received ninety-eight cents on every dollar of their deposits. His administration of this bank won praise unstinted for the Boonville banker who had so well managed the affairs of the defunct institution.

In 1890 David R. Francis was occupying the position of chief executive. The office of State treasurer became vacant under circumstances that called for the appointment of a man of the highest standing. Governor Francis solved this difficult situation by appointing Lon V. Stephens to that position. Many prominent Republicans as well as Democrats impulsively came forward to affix their names to the official bond of the new State treasurer.

In party convention in 1892 Lon V. Stephens was nominated for the full term as State treasurer, and he was elected to that office by a large majority. He remained in the office of State treasurer until 1897, when he assumed the position of chief executive of his native State.

The few years preceding the memorable campaign of 1896 were strenuous years in the affairs of the Democratic party in Missouri and throughout the nation. Richard Parks Bland, the distinguished leader of the "free silver" forces, was an intimate personal and political friend of Lon V. Stephens. Governor Stephens never wavered in his support of that stalwart fellow-Missourian, Richard Parks Bland. During this memorable campaign, Governor Stephens wrote and distributed articles under the title, "Silver Nuggets," which were read both far and wide. The Convention met in Chicago that summer, with the friends of "free silver" in control. In the midst of the

fight was Missouri's State treasurer, then serving his last year in that office. The eyes of the entire world were focused on the proceedings of this Convention. This convention was the most exciting the party had held since the Civil War. Governor Stephens was the partisan and friend of Mr. Bland. However, after the wonderful speech of William Jennings Bryan had stampeded the Convention and won for him the nomination of his party, Governor Stephens acclaimed the Convention's choice and went into the fight whole-heartedly for the eloquent Nebraskan. Governor Stephens continued printing "Silver Nuggets" in answer to the arguments of those who advocated a single gold standard. Governor Stephens headed the State Democratic ticket, but gave much of his time and was deeply concerned in the election of William Jennings Bryan. Missouri went Democratic by a great majority, and much credit was given Governor Stephens for this result.

Governor Stephens filled the executive chair from January, 1897, to January, 1901.

Governor Stephens was one of the largest influences which brought to St. Louis the great World's Fair in 1904, to commemorate the anniversary of the Louisiana Purchase. He was not alone interested in having the World's Fair in the greatest city of the State, but it was in his term that the State Fair at Sedalia was started on its road to permanency.

The Federal Soldiers' Home at St. James, Missouri, and the Confederate Soldiers' Home at Higginsville, were both established during his administration, thus illustrating the broad charity that knew no difference, in extremity, between those who had worn the blue and those who had donned the gray.

That Governor Stephens was a sincere friend of higher education is shown by his recommendation and the passage, through his influence, of the Collateral Inheritance Law, which brought much-needed revenue to the cause of higher education in Missouri.

Governor Stpehens signed the bill permitting the consolidation of the St. Louis Street Railway Lines and authorized the issuance of transfers between lines which had formerly been independent.

Governor Stephens was married October 5, 1880, to Miss Margaret Nelson, of Boonville. She was the daughter of a prominent family, and one of the reigning belles of her day in Central Missouri. Possessed of beauty, high intelligence, a charming personality, and a sincere regard for others, she proved a great aid to her distinguished husband. Her grace and charm of manner were noticeable in the executive mansion during the Stephens' administration, and innumerable functions were successfully conducted during the years Mrs. Stephens occupied the position of "Missouri's First Lady."

No children blessed the home of Governor and Mrs. Stephens, but they interested themselves deeply in all young people.

Governor and Mrs. Stephens were both active members of the Southern Methodist Church. In the thick of Governor Stephens' business and political activities, he was never too busy to heed the call of his church. He was on the most intimate and friendly terms with the bishops and ministers of the Southern Methodist Church, and his home in St. Louis was frequently the place of entertainment for the visiting clergymen.

Governor Stephens was one of the trustees of Barnes' Hospital, and all of the Masonic bodies, from the highest to the lowest, possessed his unfailing devotion.

Governor Stephens departed this life January 10, 1923, at his home in St. Louis. The funeral was from the Cabanne Methodist Episcopal Church, South, St. Louis, under the auspices of the Tuscan Masonic Lodge. The remains of Governor Lon V. Stephens lie in Walnut Grove Cemetery, Boonville, Missouri, close beside the graves of his parents.

INAUGURAL ADDRESS

JANUARY 11, 1897

From the Appendix to the Journals of the General Assembly, 1897

Senators and Representatives:

Having been called by a majority of the electors of Missouri to the chief executive office of my native State, I come now to assume the high trust committed to my hands. I hope I am duly sensible of the weighty responsibilities imposed upon me by the position to which I have been assigned through the favor of my countrymen. My great desire is to render some substantial service to the State, and I shall strive to so administer the duties of my office as to promote the happiness and prosperity of the people, and to contribute something to the advancement and glory of the commonwealth. I shall not wish to make brilliant or startling innovations. The best results in practical government can be attained only by the strict maintenance of public order, by wise economy in expenditures, and by exercising the most exacting integrity in the discharge of public duty. Along these lines it shall be my constant endeavor to conduct the affairs of the State. That I shall encounter difficulties and embarrassments in the progress of my work is perhaps inevitable, and that I shall make mistakes is almost certain, but invoking the divine Master to guide me, and inspired by a resolute purpose and a patriotic desire to do my duty without fear or favor, I shall hope to so perform my task—impartially, justly, honorably—as to merit the approval of the people.

The responsibilities of legislation is a divided one. It is shared by the two houses of the General Assembly and by the Governor. No more important duty can be imposed upon any body of men than that of making laws for the government of a great state. Laws should be enacted solely

to promote the public good. Men clothed with power to make laws should not be influenced in their action by prejudice, by fear or favor, or by any unworthy motive. They should measure their conduct by a standard of scrupulous propriety. They should strenuously refuse to do any act or put themselves in any position which would compromise their integrity, fetter their independence or impair their usefulness. They should remember always that public offices were not established to advance private interests, but to subserve the public need and to promote the general welfare. They should refrain with special care from becoming in anywise obligated to those who may have a selfish interest in securing or preventing legislation. The man who is not absolutely free to do what he thinks is right is unfit for public station.

There should not be too much legislative tinkering. There is such a thing as excess in legislation. More harm than good is done by the mere accumulation of statutes. New laws should be enacted only when manifestly required to remedy some substantial defect in existing laws, to right some undoubted wrong, to correct some positive evil or to meet the exigencies of new conditions as they arise in the development of a great and progressive State. Along these lines, which I am confident you will approve, let us co-operate in an earnest effort to make the work of this General Assembly honorably conspicuous in the legislative history of the State.

There is important work to do and I hope it will be done in a business way. My chief ambition is to make this administration distinctively a business administration, and I pray you to make this legislature in the strictest sense a business legislature. Too great expedition is not to be recommended, but we must not forget that the session is limited to seventy days at a per diem sufficient to pay the actual expenses of those in attendance. We should proceed judiciously and deliberately. We should not act until we fully comprehend each given situation, and thoroughly understand the force and effect of what we propose to do. While

all this is but the part of prudence, my experience of several years at the capitol convinces me that it is too often the case that the first few weeks of the legislative session are practically wasted. It not unfrequently happens that half the session expires before the General Assembly begins in earnest to take up the work it has to do. These delays, so frequently prolonged without apparent reason, result in postponing the important work of the body until near the close of the session, when members, having grown weary and impatient, become anxious to return to their homes and private affairs. The legislature is then in poor condition to transact business with the intelligent and deliberate care that should characterize the proceedings of such a body. This condition results inevitably in great confusion, when not only are mistakes apt to be made and the most important matters neglected, but it furnishes an opportunity for the scheming lobbyist to score his triumphs.

Partisanship should be moderated if not suppressed and unseemly strife be avoided. Guided by patriotism and commonsense, we should go forward with our work like practical men moving with dignity, courage and confidence. Let us not strive to see how many laws we can pass, but rather endeavor to prove how good we can make our legislation. Let us first take up those matters of the greatest moment and of the most imposing import, and, by cooperation, labor to accomplish results as nearly satisfactory as possible.

You are already informed by the message of my predecessor, that at the very threshold of the ensuing biennial period, we are confronted with a fiscal condition that may prove embarrassing unless we proceed with the greatest care and devise some remedy to relieve the situation. During the last two years the outgoing administration has been hard pressed to make the revenue collected meet the demands created by the last appropriations. It is a subject with which I am tolerably familiar by reason of my connection with the treasury, and it is sufficient for me to say that I endorse the observations and recommendations made by

the Governor. This is a matter to which we must address ourselves at once and I invite your earnest assistance in solving the problem and in removing the difficulties in our path.

The most rigid economy must be practiced by all departments, not only because it is right as a governmental policy, but more especially because it is imperatively demanded by the exigencies confronting us. It is my opinion that under the prevailing gold standard and financial policies of the federal government, general business conditions will not materially or permanently improve, but on the contrary we can reasonably anticipate a continuance of this experience which has so distressed the country in recent years. I see nothing in the immediate future to warrant a substantial hope for better times. It is the part of wisdom that the representatives of the people should keep these things in mind when they come to provide for the public revenue and to make appropriations; but no matter how economically we may administer the affairs of the State, the constantly growing needs of the public service incident to a large increase in population and business developments, make it impossible that appropriations should be confined to the present volume of business, if that volume should remain stationary as it will, substantially, in the absence of further legislation. There is a positive necessity for an increase in the treasury receipts. This I believe can be done in a measure, as in my judgment it should be, by such amendments and conditions to the tax laws as will decrease the burdens of farming and kindred industries, and impose a taxation on those who are enjoying public franchises and special privileges granted to them by law and for which under existing conditions they make no adequate returns. But, whatever you may deem it most wise to do, the situation is one which presents a legislative subject of the first importance and its consideration should not be delayed.

Passing from this, I desire to suggest several other subjects which I regard as paramount importance and to which I invite your most thoughtful attention. I recommend the

establishment of a banking bureau, and that the office of Bank Commissioner be created. This officer should be given charge and supervision of private banks, and all banks organized under State laws, building and loan associations and trust companies. The compensation of this officer should be sufficient to engage a class of talent equal to the importance of the work, and the expense of the bureau should be met by a tax levied in some proper form on the institutions committed to its management. In my judgment the law as it now stands, scattering the control of these institutions throughout the various departments of the State government, is crude in conception, imperfect in form and unsatisfactory in practice. The duties and responsibilities of the officers and directors of banking institutions should be better defined and their liabilities to depositors and creditors should be more thoroughly understood. In this connection I will say I believe the statute defining the powers of trust companies is objectionable, because it confers upon them a multitude of privileges. It authorizes them to engage in business as trustees, and to jeopardize trust funds by becoming sureties on all kinds of official and judicial bonds, and by guaranteeing the fidelity of public officers and the financial agents of private individuals. It also authorizes them to buy and sell real estate and engage in the banking business and to become heavy borrowers vastly in excess of their capital, and there are other dangerous and objectionable features which should be investigated.

The next regular session of the General Assembly, which will meet in January, 1899, will be the revising session. Under the Constitution that session can sit for 120 days at $5 per diem. It is almost impossible for such a body to revise the entire code of laws with any degree of satisfaction. Past experience proves this. The revision of 1889 compares favorably with former sessions, but it is full of contradictions, incomplete, inadequate and uncertain. It is in every respect desirable that a suitable plan be devised and put in operation by the present Legislature to secure an accurate, thorough and sytematic revision of all the statute laws of the

State to be submitted to the Fortieth General Assembly for review, adoption and publication as the Revised Statutes of 1899. I believe that the law should authorize the appointment of a commission to be composed of three able and experienced lawyers for the purpose of preparing a revision to be submitted to the next General Assembly. These men should be appointed for two years at such a salary as would insure the best class of legal talent for the work. It should be made the duty of all state, county and municipal officials to furnish the committee with any data in their possession, when called for, and to otherwise aid them in every proper way. In this way far better than in any other, in my opinion, a revision can be made and the laws perfected. I have no doubt whatever that the expense of the commission would be saved many times over by the results of its work. I am strengthened in the views here expressed and am led earnestly to commend this plan to your favor because my opinion in regard to it is concurred in by many of the ablest and most thoughtful men of the State.

I trust that the State of Missouri will take the lead in perfecting such legislation as will curb the insolence and check the oppression of the trusts. We should use the power we have at this time in behalf of the people and extirpate those influences which have become a menace to our free institutions of government.

I call the attention of your honorable body to the coercion of employees by corporations and other employers of labor with a view to influencing their political action. Such coercion raises a question more serious and more vital than the money question, the tariff question or any other economical question however important dividing political parties. The question it presents is whether a free popular government shall be maintained in the United States. If coercion, moral or physical, such as we witnessed in the last campaign is to go unrebuked, government by the people is nearing its end and we are entering on an era of government by an oligarchy of opulent employers. I recommend the enactment of such laws as will not only protect the voter in

the free exercise of his franchise, but will make it perilous for any man to interfere with his right.

The election law passed by the last Legislature has yielded fairly satisfactory results in St. Louis and Kansas City, but the experience gained in the last election shows the need of amendments in some essential particulars. The polls should be kept open until 7 o'clock for the benefit of working men and clerks. Where there is difficulty in getting satisfactory election officers among the residents of a precinct, the right should be given to select them from other precincts. The work of the judges and clerks should be rendered less laborious and they should be better paid. The present omnibus ballot is a source of trouble and annoyance and it should be abolished. There is no reason why any ballot should be thrown out. The law should not make voting so complicated as to vitiate the ballots of intelligent citizens. In my judgment it would not be to our disadvantage if the Australian ballot law should be so amended as to apply only to cities having over ten thousand inhabitants.

I warmly and unequivocally endorse that plank in the Democratic platform upon which I was elected, which declares in favor of a fellow-servant's law. I earnestly hope that this Legislature will regard this mandate and enact a law that will meet the expectations of the railroad employees of the State.

Our educational and eleemosynary institutions must be maintained in their high state of efficiency, and no backward step will be taken, but economy must mark the conduct of those in charge of them.

No interest in Missouri should be more carefully guarded or more vigorously promoted than her public school system. Her schools should all be encouraged by wise legislation and supported, as they have always been, by ample appropriations. The State University, which is the cap-sheaf of our public school system, is entitled to and will doubtless receive at your hands that consideration which it has always received, and which will enable it to take front rank among the institutions of America. If the necessity ever existed for a

Missouri youth to leave his own state for education, it should be removed by such judicious fostering of our own institution as will not only keep our boys and girls at home, but will draw to Missouri the ambitious of other states. I have conferred with our retiring Governor and I have read that portion of his message concerning the endowment fund for the University. I approve of the suggestions he makes to you on this subject.

Among the many subjects that will engage your attention none can be more important than the improvement of our public highways. Good roads will not only enhance the value of our farming lands, but will add to the prosperity of all our cities, towns and villages. Some provision should be made for their systematic and permanent improvement, and I commend the matter to your serious consideration.

The question of criminal costs merits your earnest attention. These costs have grown to alarmingly enormous proportions, and a considerable portion of the State's revenue is required to liquidate them. I ask your attention to proper legislation by correcting this constantly increasing demand upon our funds.

Many of the most eminent jurists of the State and a large number of prominent citizens have expressed to me the opinion that a convention should be called at an early date to revise the Constitution. I am not certain that such a convention is necessary, but whether so or not is a question, I believe, of sufficient importance to merit your careful attention. The present Constitution was adopted over twenty years ago. It has many excellent provisions which should be preserved, but it also has many provisions that might, as I believe, be expunged or materially changed to the advantage of the State. I concur in the view that our fundamental law should be liberalized in some directions and broadened in its general scope so as to adapt itself better to the requirements of the present day. Some have expressed an apprehension that it might be unsafe to attempt to remodel the Constitution, although it is admittedly imperfect and inadequate; but when we remember that any

change the convention might propose could not be made effective until adopted by the people, I see no reason for apprehension. The people can certainly both trust and take care of themselves. I at least hope that the General Assembly will take this matter under advisement and give it such deliberation as it may deserve.

In conclusion let me again remind you that to you and to me have the dearest interests of the people been intrusted. I have an abiding faith that we shall be able to rise above party zeal and factional spirit in a hearty co-operation for the promotion of those interests. It is only by so doing that we can merit the confidence which has been reposed in us, and preserve consciences void of offense. Appreciating the grave responsibilities of my position, and fully sensible of my own infirmities, I trust our Heavenly Father will guide me to see the right and give me the courage to do it. We must at all times remember our grateful dependence upon that Supreme Being without Whose guidance and help we can accomplish nothing great and good. I invoke upon our great and beloved State and all of our people and your actions the blessings of Almighty God.

[LON V. STEPHENS]

FIRST BIENNIAL MESSAGE

JANUARY 5, 1899

From the Appendix to the Journals of the General Assembly, 1899

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, January 5, 1899.

Gentlemen of the Fortieth General Assembly:

As your Chief Executive, it becomes my pleasure as well as my duty, in complying with the requirements of the Constitution of Missouri, to submit to you for your consideration, a statement of the financial affairs of our State and the various operations of the State Government, together with such recommendations as existing conditions in my judgment justify. While there are evidences of prosperity all around us, the labors of our people generally have not received that reward in the past to which their energy and enterprise entitle them, owing to well known national laws which discriminate against them; still we have been blessed where many have not and have no reason to feel discouraged. In the development of our resources there has been rapid and uninterrupted progress. We review two years of plenty, in mine, forest, pasture and field. We have been graciously preserved from famine and pestilence, from fire and tornado, from lawlessness and civil strife, and in war with a foreign foe, which has been brought to a speedy termination, we have won honor and success. Our people reverence their Constitution and rejoice in good and just State laws, which are executed with honesty and fidelity. Conscious of our greatness and of our yet undeveloped natural resources, we are building for the future, believing it to be full of promise and reward.

FINANCES

CASH BALANCES

On January 1, 1897, we had a cash balance in the State Treasury of $577,463.05; receipts from January 1, 1897, to

January 1, 1899, $8,300,406.96; disbursements from January 1, 1897, to January 1, 1899, $7,980,760.53; leaving balances in the various funds on January 1, 1899, as follows:

State Revenue fund	$180,022.12
State Interest fund	.....
State Sinking fund	71,042.41
State School fund	923.40
State Seminary fund	614.56
State School moneys	186,157.31
State Seminary moneys	35,387.07
Insurance Department fund	51,143 65
Executors' and Administrators' fund	43,590.70
Earnings Missouri penitentiary	56,555.45
Road and Canal fund	1,295.14
Militia fund	.....
Colored Institute fund	147.39
Lunatic Asylum No. 1 fund, Fulton	8,550.80
Lunatic Asylum No. 2 fund, St. Joseph	9,888.86
Lunatic Asylum No. 3 fund, Nevada	.....
School for Blind fund	.....
School for Deaf and Dumb fund	.....
Reform School for Boys fund	7,821.06
Industrial Home for Girls fund	116.50
Partition fund	5,462.20
County Foreign Insurance Tax fund	226,436.22
State Bank Inspection fund	3,009.91
Building and Loan Supervision fund	3,066.98
Horse Breeders' fund	5,780.00
Federal Soldiers' home	97 75
Totals	$897,109.48

The assessment upon which taxes were collected in 1896, including real and personal, railroad, bridge and telegraph property, was $1,021,993,628; assessed valuation for 1898 was $1,050,950,801, an increase of $28,957,173. State revenues are derived from a tax of twenty-five cents on the $100 valuation, levied upon real and personal property, of individuals and corporations, from license taxes, tax on premiums received from foreign insurance companies, on merchants and manufacturers, and express companies, interest on balances with our State depositories, an incorporation tax, notarial fees, and from sundry minor sources.

ESTIMATED REQUIREMENTS

The approximated amounts required to meet ordinary expenses of the State Government for 1899-1900 are as follows (detailed requirements will be found in Auditor Seibert's current report):

Public school (1-3 of the revenue)	$1,500,000
Assessing and collecting revenue	350,000
Costs in criminal cases	650,000
Civil list	476,700
Contingent expenses—State departments	
Supreme Court, Courts of Appeals, etc	83,500
Public printing (including Revised Statutes of 1899)	149,000
Miscellaneous appropriations	190,800
Penitentiary	99,000
Reform School for Boys	70,000
Industrial Home for Girls	32,000
Public buildings and grounds	15,700
Eleemosynary Institutions (including three Insane Asylums, Confederate Home and Federal Soldiers' Home)	230,246
Missouri institution for Deaf and Dumb	158,000
Missouri School for Blind	59,000
University	142,000
Normals and Lincoln Institute	155,500
Pay and contingent expenses of the 40th General Assembly	225,000
Estimated deficiencies for 1897-98	80,000
Total	$4,666,446

The estimated receipts into the "State Interest Fund" in 1899-1900, are $2,100,000; amount to be appropriated for interest on bonds and certificates of indebtedness, $754,943.94, leaving $1,345,056.06, which amount should be appropriated for the payment of bonds.

The estimated receipts into the revenue fund for 1899 and 1900 are $4,500,000 (predicated upon present laws), leaving us confronting a deficit for ordinary expenses alone of $166,446. Therefore, it is a positive necessity that remedies be devised by you to relieve this situation.

INCREASE OF LEGITIMATE EXPENDITURES OF THE STATE

The rate of levy for State taxes has decreased since 1873 from 15 cents to 25 cents on the $100 valuation, and the taxable property has increased in about the same ratio. For example, in 1873, the State taxes on the real and personal property tax books amounted to $1,171,798.94 for State revenue, and $1,646,042.52 for State interest; in 1897, the tax books covering same classes of property foot up $1,465,131.25 for State revenue, and $976,754.15, State interest. As one-fourth of the revenue tax was distributed for support of public schools in 1873, and one-third in 1897, the increase in the taxes from 1873 to 1897, on real and personal property, the chief source of revenue, available for meeting the demands against the State Treasury, has been very small—less than $100,000 per annum. The expenditures have, naturally, increased with the population during the period, as will be seen by nearly every item in the biennial appropriation bills—"Cost in Criminal Cases," because there were more prosecutions; "assessing and collecting the revenue," because there were more taxpayers and property; "Civil Officers," because more judges and other officers were found necessary; "Support of State Institutions," because there were more eleemosynary, educational and penal institutions, etc., etc. The increase in the revenue required to meet increasing demands has been derived from incorporation taxes, taxes on foreign insurance companies and various other sources not touched by the laws of 1873.

INCREASE OF REVENUE NOW NECESSARY

The legitimate demands against the State in 1899 and 1900 cannot be met by the revenue under existing laws, and it is imperatively necessary that provision be made by the Fortieth General Assembly to increase the revenue, or decrease the expenditures. It is impracticable to increase the tax on real and personal property or decrease expenditures, and we are compelled now to find some other sources of revenue or suffer serious embarrassment.

TAXES ON FOREIGN INSURANCE COMPANIES

The present law imposes a tax of 2 per cent on the premiums collected for business done in this State, by insurance companies not organized under the laws of this State, one-half of which tax is appropriated to the counties annually. Formerly the counties derived no revenue from this source, and the amounts now apportioned are not sufficient to make important changes in the receipts of the respective counties. The total sum distributed to the counties makes an important item in the State Treasury, and under the conditions now confronting us, I recommend that the law be amended so as to require the whole of the taxes received from foreign insurance companies be placed to the credit of the State Revenue fund.

INCREASE OF STATE TAX ON DRAMSHOP LICENSES

The county courts are authorized by existing laws, to fix the State license tax on dramshops at not less than $50 nor more than $200, and county tax at not less than $250, nor more than $400 for each period of six months. In 1898 the State received from that source $336,480.32, and the counties $1,699,457.06. This is an unfair division of these taxes never contemplated by the General Assembly when the law was passed. I recommend that the law be amended so as to fix the State license tax at $100, and county tax at $200 for each period of six months, the object being not to increase the license tax on dramshops, but to secure a more equitable division of the tax.

The amendments to the law suggested will, I think, enable the Fortieth General Assembly to make the needed appropriations for 1899 and 1900. Unless these or some other methods equally effective be found for augmenting the State's revenue, it will be necessary to reduce all appropriations and cripple our State institutions.

OUR BONDED AND CERTIFICATE INDEBTEDNESS

On Jan. 1, 1897, the State debt consisted of:

Nine hundred and twenty-seven 3½ per cent option bonds, dated March 1, 1887, due March 1, 1907, redeemable after March 1, 1892	$927,000 00
Four hundred and thirty-six 3½ per cent option bonds, dated July 1, 1887, due July 1, 1907, and redeemable after July 1, 1892	436,000 00
Seven hundred 3½ per cent option bonds, dated Oct. 1, 1887, due Oct. 1, 1907, redeemable after Oct. 1, 1892	700,000.00
Two thousand nine hundred and thirty-seven 3½ per cent option bonds, dated Jan. 1, 1888, due Jan. 1, 1908, redeemable after Jan. 1, 1893	2,937,000.00
Total bonds	$5,000,000.00

And the following described State certificates of indebtedness:

One 6 per cent School fund certificate		$2,909,000 00
Four 5 per cent School fund certificates		231,000.00
One 6 per cent Seminary fund certificate		122,000 00
Eighteen 5 per cent Seminary fund certificates		1,107,839 42
Total		$4,369,839.42
Bonded debt	$5,000,000 00	
State certificates	4,369,839.42	
Total State debt January 1, 1897	$9,369,839.42	

Under the requirements of the State Constitution, $250,000 of our interest-bearing bonds are to be extinguished annually. During the two years of the present administration the debt has been reduced as follows:

Bonds called in and paid—	
July 31, 1897	$100,000.00
December 31, 1897	400,000.00
March 15, 1898	300,000 00
October 15, 1898	558,000.00
Total reduction of bonded debt	$1,358,000.00

STATE CERTIFICATES OF INDEBTEDNESS ISSUED IN 1897 AND 1898, UNDER SECTIONS 8818, 8819 AND 8820, R. S. 1889

One certificate to the State Board of Education in trust for State School Fund dated July 1, 1898, to run 20 years, bearing 5 per cent interest	$18,000.00
One certificate to the State Board of Education in trust for State Seminary fund, dated July 1, 1898, to run 20 years, bearing 5 per cent interest	6,000.00
Total certificates issued in 1897 and 1898	$24,000.00
On January 1, 1899, the State debt consisted of 5 3½ per cent option bonds, dated July 1, 1897, due July 1, 1907, redeemable after July 1, 1892	5,000.00
Seven hundred 3½ per cent option bonds, dated Oct. 1, 1887, due Oct. 1, 1907, redeemable after July 1, 1892	700,000.00
Two thousand nine hundred and thirty-seven 3½ per cent option bonds, dated Jan. 1, 1888, due Jan. 1, 1908, redeemable after Jan. 1, 1893	2,937,000.00
Total	$3,642,000.00

And certificates of indebtedness:

One 6 per cent School fund certificate		$2,909,000.00
Five 5 per cent School fund certificates		249,000.00
One 6 per cent Seminary fund certificate		122,000.00
Nineteen 5 per cent Seminary fund certificates		1,113,839.42
Total certificates outstanding		$4,393,839.42
Bonded debt January 1, 1899	$3,642,000.00	
Certificates January 1, 1899	4,393,839.42	
Total on January 1, 1899	$8,035,839 42	

Net reduction in State debt during 1897-98 was $1,334,000.

On January 1, 1897, with a bonded indebtedness of $5,000,000 the annual interest charge at 3½ per cent was

$175,000. On January 1 of the present year, with a bonded indebtedness of $3,642,000, bearing 3½ per cent interest, the annual interest is $127,470, a saving within two years to the taxpayers of the State on account of interest alone of $47,530 annually.

There is a sufficient amount of money now idle in the "Sinking fund" in the State Treasury to justify payment of $500,000 more bonds, which amount I recommend the Legislature appropriate with the emergency clause attached.

While in estimating our indebtedness we must take into consideration our "Certificates of Indebtedness," aggregating $4,393,839.42, drawing 5 per cent and 6 per cent interest, it must at the same time be remembered that they are also assets of the State—that the principal is not to be paid, and the interest which accrues thereon can be used for the sole purpose of assisting in the support of our public schools and State University. The real debt of the State is, therefore, insignificant, in proportion to our assessed valuation, and while it may not be entirely extinguished during the present administration I see no reason why it cannot be paid off within the early days of the succeeding one. My own judgment is the rate of taxation should not be changed until we have seen every dollar of our interest-bearing debt paid off and cancelled.

PENITENTIARY

It is gratifying to me to be able to say that the penitentiary is in a most excellent condition in every particular.

The Legislature of 1897 appropriated for it for the biennial period ending January 1, 1899, the following sums of money:

For completion of new cell building	$50,000 00
For erection of new shop building	30,000 00
For purchase of new dynamo	5,000.00
For purchase of books for library	1,000.00
For pay of salaries of officers and ordinary repairs	80,000.00

And $450,000 to be paid out of the earnings of the institution.

Of the $50,000 appropriated for the completion of the new cell building, only $29,545.18 was needed and expended, and the remaining $20,454.82 remains in the Treasury.

Of the $30,000 appropriated for the erection of the new shop building, only $26,159.82 was expended, and the remainder, $3,840.18, remains in the Treasury.

The appropriation of $1,000, made for the purchase of books for the library, is exhausted.

Of the appropriation of $80,000, salaries and ordinary repairs, $19,562.45 has been expended for repairs, and $43,476.71 for salaries, making a total amount of $63,089.13 drawn from this appropriation.

On January 1, 1899, there was a balance in the State Treasury to the credit of the earnings of the penitentiary of $56,555.45, which has accumulated during this administration.

There is now due from the Federal Government for support of U. S. prisoners during the quarter ending December 31, 1898, $2,609.45.

The institution has the following supplies and material in excess of the amount on hand January 1, 1897: Clothing and shoes, $7,868.60; 3,353 bushels of potatoes, amounting to $1,408.26; and 700,000 good merchantable brick, valued at $3,150.

These amounts added to the accumulation now in the Treasury make a total of $71,591.76. In other words, $63,039.13 has been drawn from the appropriation for salaries and ordinary repairs, and $71,591.76 has been earned in excess of expenditures during this administration, so that the penitentiary has maintained the convicts, paid all the salaries and repairs and every other item of expense, except for the erection of new buildings, for the whole period of time from January, 1897, to January, 1899, and has a surplus on hand of $8,552.63.

Not only is the financial status of the institution an excellent one, but the splendid discipline of the men maintained is worthy of notice and commendation. The old idea which prevailed so many years among prison officials, that

men incarcerated for crime could only be controlled by harsh and severe means—that criminals had to be controlled by brute force, and that there was nothing in the nature of a convict that could be touched or softened by kind words or gentle manner, has been abandoned. In our penitentiary today the higher instincts of man are appealed to; they are talked to kindly of home and mother, and admonished for the sake of those sacred and tender ties, to obey the rules of the institution and become good citizens when they are sent home. Punishment for the violation of rules is rare and only inflicted when kindness will not prevail.

Warden Starke's and Deputy Bradbury's plan of enforcing discipline is to treat the convicts kindly; give them plenty of good, wholesome food, comfortable clothing, a good bed to sleep in, and require them to work and earn their keeping and thereby relieve the people as far as possible of the burdens of taxation.

The appropriation of $5,000 made by the last Legislature for the purchase of a new dynamo is exhausted. Prior to January 1, 1897, the State had been purchasing the light used for the State Capitol building and Capitol grounds, the State Armory, the State Supreme Court building, the Governor's mansion and the mansion grounds from the Jefferson City Light, Heat and Power Company at an annual cost of about $2,500. By the expenditure of this appropriation of $5,000 there has been placed in the penitentiary a new alternating dynamo, with a capacity of 1,000 16-candle power lights; also 12 arc lights with which are lighted all the State buildings and grounds except the penitentiary. With the use of this plant we have 400 incandescent lights and 12 arc lights in addition to what we had under the old plan. In the future the only cost of lighting these buildings and grounds will be the purchase of supplies; so that we have more and better light at much reduced cost to the State.

The number of convicts is increasing rapidly. On the 1st of January there were 2,327 inmates. An average of 1,362 daily during the last two years were employed by the

contractors at the rate of 50 cents per day, thus bringing in a daily income to the institution of $681.

The showing made by the penitentiary in every department during the last two years is unprecedented in the history of the institution.

The Warden will ask an appropriation of $50,000 for a new female department which is badly needed; $80,000 for salaries and repairs, $18,000 for a new shop building, $1,500 for maintaining the electric light plant and $1,500 for the erection of a fireproof vault. These amounts can be appropriated with the assurance that the money will be judiciously expended and that which is not absolutely needed will remain in the Treasury.

PARDONS

During the last two years, by virtue of authority vested in me as your Executive by the State Constitution, art V, section 8, I have pardoned from the penitentiary 75 convicts, and of this number 72 were males and 3 were females. I have commuted the sentence of 48, and have issued pardons to 28 convicts who were sick and dying. These are commonly called "sick pardons," and are granted at the request of the prison physician and the prison inspectors, composed of the Auditor, Treasurer and the Attorney-General.

At the instance of the prison physician I have caused to transfer 16 convicts, who were insane, to the various lunatic asylums, where they are to remain until their reasons are restored, when they will be returned to the prison to serve the remainder of their terms.

I have restored to the full rights of citizenship 132 men, who had served their time in prison, and had presented proper petitions, certifying that since their liberation they had lived as good citizens should.

While the above number may seem large, and some may think I have been too liberal in the use of the pardoning power, I must say that before passing upon a single application, I have examined thoroughly and cautiously all papers

concerning the case, and my prerogative was exercised conscientiously. In every instance, in issuing the order for pardon to the Secretary of State, I reviewed the case from its inception, and gave my reasons why the convict merited executive clemency. These orders, together with petitions and letters affecting the cases, are on file with the Secretary of State.

MISSOURI IN THE SPANISH WAR

Prior to the late war with Spain, the people of Missouri cared too little for the National Guard organization, and the members of the Legislature were not inclined, as a rule, to give it hearty support. With an annual fund of about $10,000 appropriated by the State, the Militia, composed of four regiments and one battery, managed, with the aid of private subscriptions from the cities, to keep intact its organization, and when the call to arms was sounded last April, these men left their places of business and offered themselves in defense of their country. Many left lucrative positions and vocations, others were the support of aged parents and poor relatives, but all alike responded to the President's first call, and Missouri, among the first, sent to the field five regiments and one battery of men as strong and brave as ever wore soldiers' uniforms. As the war progressed the President deemed it necessary to issue another call for volunteers, and by the order of the Secretary of War, I gave notice through the Adjutant-General that 1,700 more enlisted men to increase regiments were required, also one more regiment, to complete the quota of men Missouri was expected to furnish the Government. Patriotic citizens from every portion of the State responded, and from the spirit in which these brave men offered their services for the cause of humanity, it demonstrated that grand old Missouri was ready for the battle and would send to the front a hundred regiments instead of six, if necessary. Our troops, numbering in all 7,893 infantry and 177 artillerymen, mobilized at Jefferson Barracks, where they were mustered in

the regular volunteer service, and subsequently equipped with clothing, and arms by the Government. The First and Fifth regiments, under the command of Col. Edwin Batdorf and Col. Milton Moore, were ordered to Chickamauga Park, Ga., where they remained until the war was practically over, when they returned to the State and were mustered out of service October 31 and November 9, 1898, respectively. The Third regiment, under command of Colonel George P. Gross, was ordered to Falls Church, Va., and afterwards to Camp Meade, Pa. It returned to Kansas City under orders from the Secretary of War and was mustered out of the volunteer service on the 7th day of November, 1898. The Fourth regiment, under command of Colonel Joseph A. Corby, is now stationed at Greenville, S. C.; the Second, under the command of Colonel W. K. Caffee, is now in winter quarters at Albany, Ga.; and the Sixth, under command of Colonel Letcher Hardeman, is in Cuba. Battery "A," under command of Captain Rumbold, was ordered to Porto Rico by way of Newport News. These gallant artillerymen joined their forces to those of our countrymen on that island, and had planted their guns ready for battle with the enemy when word came thundering down the line that the protocol had been signed. This battery was mustered out of the service in November. To all of these brave soldiers who have been mustered out of the U. S. service, I would say that, although they did not reach the front, their anxiety to do so was not lost sight of, and in facing the hardships and sickness of the Southern camps, they certainly shared with their brothers at the front the glories of our late war. The relatives of those who died in the service of their country have our most tender sympathy, and I beg to assure those of our brave boys who are still bearing arms for their country, that the citizens of our State are proud of their achievements.

Now, I desire to call your attention to the financial part of the organization. When the war was inaugurated, Adjutant General Bell found that the cost of mobilizing and equipping our soldiers would be far in excess of the funds at his disposal in the department, and if he had not made

arrangements with the railroads and the Government to carry the accounts of expenses thus incurred until the convening of the 40th General Assembly, I would have been compelled to advance the money myself or call an extra session of the Legislature, which would have entailed enormous cost to our taxpayers. The following is an act of Congress, approved July 8th, 1898, bearing upon this subject:

AN ACT to reimburse the Governors of the states and territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the Secretary of the Treasury be, and he hereby is, directed, out of any money in the Treasury not otherwise appropriated, to pay to the Governor of any state or territory, or to his duly authorized agents, the reasonable costs, charges and expenses that have been incurred by him in aiding the United States to raise the volunteer army in the existing war with Spain, by subsisting, clothing, supplying, equipping, paying and transporting men of his state or territory who were afterwards accepted into the volunteer army of the United States: Provided, that the transportation paid for shall be only the transportation of such men from the place of their enrollment for service in the volunteer army of the United States to the place of their acceptance into the same by the United States mustering officer, and that the names of the men transported shall appear on the muster rolls of the volunteer army of the United States; and, provided further, that such claims shall be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury; and, provided further, that in cases where the money to pay said costs, charges and expenses has been, or may hereafter be borrowed by the Gover-

nors of their respective states or territories, and interest is paid, or may hereafter be paid, on the same by the Governors or their states and territories, from the time it was or may be so borrowed to the time of its refundment by the United States, or thereafter, such interest shall not be refunded by the United States; nor shall any interest be paid the Governors or their states or territories on the amounts paid out by them, nor any other amount refunded or paid than is in this act expressly mentioned.

It is therefore necessary for the State first to meet all expenses of subsistence, transportation and supplies furnished our volunteer troops incident to their muster in the United States service.

The Adjutant General is not prepared to state at this time the total amount of these claims, as all of them have not been presented, but he thinks $50,000 will cover it. I would accordingly recommend that as soon as practicable you pass a bill appropriating this amount, or so much thereof as may be necessary for the payment of these claims, the same to revert to the State Treasury upon reimbursement by the United States.

THE NATIONAL GUARD

The table below shows the amount of money appropriated by the last General Assembly for the support of the National Guard during the years 1897-1898:

For the contingent expenses of the office of Adjutant General	$1,800
For pay of janitor	500
For pay of expenses of Board of Survey	400
For refitting, repairs, etc., of Armory	3,350
Total	$6,050
For the support and maintenance of National Guard	20,000
For traveling expenses of U. S. Army officer on detail duty with the National Guard	1,000
For the support of the State Cadets at State University	5,000
Total	$32,050

I invite your attention to the recommendation of the Adjutant General of the State, set forth in his biennial report:

I submit herewith an estimate of the actual amounts necessary to carry on the operations of this Department for the years 1899-1900:

For payment under section 93 to First Lieutenant J. M. Allen, Company "C," Second Infantry, N. G. M., 3 sergeants, 3 corporals and 19 privates, while on duty one day at Lamar, Mo., under call of the Sheriff of Barton County. In all	$52.12
For traveling and contingent expenses of United States army detail, on duty with National Guard Missouri, during the years 1899-1900 at $500 per annum.	1,000.00
For hire of armorer to repair and keep in proper condition arms and accoutrements during the years 1899-1900, at $250 per annum	500 00
For pay of chief clerk for years 1899-1900, at $1,500 per annum	3,000 00
For the support, maintenance, reorganization and proper equipment of the National Guard of Missouri, and for brigade expenses, etc., etc., for the years 1899-1900, at $40,000 per annum	80,000 00
For purchase of suitable site and maintenance of permanent camping ground for National Guard of Missouri	10,000.00
For stone store-house, 35 x 45 feet, two stories, for care of public property, adjacent to State Armory	2,450.00
For clerical work and hire in the office of the Adjutant General, adjusting war claims and completing, compiling and arranging records and recording 8,109 names of Missouri volunteer soldiers of the American-Spanish war for the years 1899-1900	2,600 00
For ordinary repairs to armory and outbuildings for years 1899-1900, at $125 per annum	250 00
For contingent expenses of the Adjutant General's office, postage, etc., etc., for the years 1899-1900, at $900 per annum	1,800 00
For payment of janitor for armory for years 1899-1900, at $250.00 per annum	500 00
For support of University cadets at Missouri State University during the years 1899-1900, at $4,000 per annum	8,000.00

It may not be amiss to here present the amounts appropriated by the other states of the Union for the support annually of the National Guard. It will be noticed that Missouri stands about thirty-second in the list, as taken from government records, showing the number of men liable to military duty, and data in regard to appropriations:

State.	No. liable to military duty.	Appropriations.	
		State.	Federal.
Alabama	165,000	$24,000 00	$9,488.73
Arkansas	205,000	None	6,900 90
California	200,000	111,800 00	7,763.51
Colorado	87,000	62,689 00	3,450 45
Connecticut	105,636	140,000 00	5,175 67
Delaware	28,080	3,000 00	2,587 83
Florida	60,000	12,000 00	3,450 45
Georgia	264,021	15,000.00	11,213.96
Idaho	24,678	225.00	2,587 83
Illinois	700,000	90,000.00	20,702 70
Indiana	500,000	45,000.00	12,939.18
Iowa	274,414	50,200.00	11,213 96
Kansas	100,000	34,150.00	8,626.12
Kentucky	361,137	7,000.00	11,213.96
Louisiana	138,439	21,000.00	6,900.90
Maine	103,387	32,447.83	5,175.67
Maryland	205,816	45,000.00	6,900 00
Massachusetts	419,210	264,000 00	12,939.00
Michigan	250,000	73,286 11	12,076.57
Minnesota	150,000	50,000.00	7,763.51
Mississippi	233,480	4,400 00	7,763 51
Missouri	450,000	10,000 00	14,664.41
Montana	250,000	22,400 00	2,587 83
Nebraska	101,926	15,000.00	6,900.90
Nevada	6,600	None	2,587 83
New Hampshire	34,000	30,000.00	3,450.45
New Jersey	385,273	171,654.17	8,626.12
New York	560,000	448,000 00	31,054 05
North Carolina	240,000	6,000 00	9,488.73
North Dakota	20,000	11,000 00	2,587.83
Ohio	645,000	317,235 24	19,840.00
Oregon	57,188	30,000.00	3,450.45
Pennsylvania	836,568	350,000.00	27,603 60

State.	No. liable to military duty.	Appropriations.	
		State.	Federal.
Rhode Island	85,874	$67,074 20	$3,450.20
South Carolina	152,780	10,000.00	7,763.51
South Dakota	79,219	300.00	3,450.45
Tennessee	190,000	8,000.00	10,351.35
Texas	300,000	5,000.00	12,939.18
Utah	42,000	3,500.00	2,587.83
Vermont	44,164	18,000.00	3,450.45
Virginia	295,340	11,732.91	10,351.35
Washington	86,156	20,000.00	3,450.45
West Virginia	122,475	15,000.00	3,175.67
Wisconsin	374,665	110,000.00	10,351.35
Wyoming	8,000	5,000.00	2,587.83
Arizona	8,050	300.00	2,000.00
District Columbia	42,000	27,525.00	8,000.00
New Mexico	.....	1,600.00	3,000.00
Oklahoma	45,000	None	1,412.35
Indian Territory	.....	.....	.....
Alaska	.....	.....	.....
Totals	10,037,576	$2,799,549.46	$400,000.00

In this connection, I will take the liberty of quoting an extract from the recent report made concerning our National Guard to the Honorable Secretary of War by a Board of U. S. Army officers:

"That the State appropriate at least $50,000 per annum for the support of this excellent organization. In addition to this the State should own its own armories at the home stations, and a suitable camping ground at some central point. The National Guard of Missouri has reached a point from which it cannot go forward without larger appropriations from the State. Missouri has an excellent National Guard organization, and has recently succeeded in getting an excellent National Guard law. All the State now needs is a proper appropriation for the support of the Guard. At present the State appropriation is only $20,000 for two

years, which I believe is not too much for one regiment. The people of the State seem very much in favor of the National Guard, and I believe if the matter were properly put before the State authorities this appropriation could be at least increased to $100,000."

With such recommendations as these made by officers, of many years' experience and high standing in our regular army, in time of peace, it would occur that the appropriation asked for at the present time by Adj. Gen. Bell is based upon a conservative basis. As conditions are now, the National Guard is virtually wiped out, there are no arms and equipment for our soldiers, organization is incomplete, and there is no money to reorganize the militia. The soldier boys are in a helpless condition, and it is incumbent upon us as citizens of the fifth State in the Union, to come to their assistance and make the National Guard of Missouri second to none in the Union. The regiments are composed of some of the best and bravest young men in the land, and are officered for the most part by men of high moral standing and firm principles of patriotism.

DEPARTMENTS OF STATE

THE STATE INSURANCE DEPARTMENT

The removal of the State Insurance Department from the city of St. Louis to the State Capitol, under the provisions of the act approved March 6, 1897, was effected on June 20, of that year, and the subsequent expenses and administration of the affairs of this department have fully vindicated the propriety and wisdom of the change. No public interest has suffered in the least from the change of the location, but, on the other hand, all the business of this important department has been performed and discharged in a most careful, prompt and commendable manner.

The department has come into closer touch with the people of the State, as is shown by the fact that its correspondence has increased more than 30 per cent. Its receipts have increased largely over the receipts of former years,

and there are now more insurance companies licensed to transact business in this State than at any prior time in the history of the Insurance department. In the ten years from 1878 to 1887 (inclusive), the receipts of this department amounted to $182,787.68, and the disbursements in the same period were $166,028.98, leaving a balance in excess of $16,758.98. In the ten years from 1888 to 1897 (inclusive), the total receipts of the department amounted to $272,-455.58, and the disbursements during the same period were $165,874.52, an excess of $106,581.06. The receipts during the current year (1898), to this date (December 12), have been $58,000, or $22,180.85 in excess of expenditures of the department.

The 2% tax levied on the gross permiums of all insurance companies of other states, doing business in Missouri during the year 1897, was paid early in 1898, under the law, and amounted to $233,306.17. Every dollar of this assessment was collected and paid into the State Treasury, and the sum total was $13,933.96 in excess of such taxes in the previous year. All the business of the several insolvent insurance companies which had been in course of settlement twenty-one (21) years past, was finally closed up, and the sum of $17,333.33 of undistributed assets of said insolvent corporations was paid by the present administration into the State Treasury as "escheats," to the State, and to this amount, increased the "school fund" of the State.

The 38th General Assembly of the State passed an act to prescribe the form of policies for fire insurance companies doing business in Missouri. The then superintendent of insurance, Hon. James R. Waddill, acting under authority of this law, approved a form of policy and endeavored to enforce the law, whereupon certain citizens of St. Louis instituted legal proceedings against Superintendent Waddill to restrain him from its enforcement upon the ground that the law was unconstitutional. The St. Louis Circuit Court heard the cause and decided against the constitutionality of the act. Superintendent Waddill then appealed the case to the Supreme Court of the State. The cause was pending

in the Supreme Court until the October term, 1897, when a decision was rendered. The judgment of the Circuit Court was reversed and the cause remanded. But the Supreme Court did not pass upon the constitutionality of the act of the General Assembly; it held that the plaintiffs in the cause had no standing in equity to maintain the suit. Under these circumstances the Superintendent of the Insurance Department has not attempted to enforce the law, as being of doubtful or questionable constitutionality, deeming it wiser or safer to leave the matter where it now stands until the present General Assembly can take such action in the premises as may be necessary and proper.

Under the management of Superintendent Ed. T. Orear, the business and work of the offices have been performed with just the same scrupulous care, faithful attention and earnest effort, which the successful and enterprising business man of large affairs gives to the conduct and management of his own private business. While the business of the office has largely increased, its work has never been more satisfactorily done in the history of the department.

BUREAU OF LABOR

The Bureau of Labor Statistics and Inspection has been in existence for twenty years, and the Nineteenth and Twentieth Annual Reports show in detail the operations of the Bureau for the two years ending November 1, 1898. Full and comprehensive statements are presented relative to county and agricultural statistics, manufactures, value of surplus products, the lumber interests, Government lands within the State, wage schedules of all classes of labor, facts relative to water works and electric and gas plants, factory inspection, a digest of labor laws and a number of other subjects of general interest. The current report, while treating on several of the aforesaid subjects, devotes chapters to manual training, the labor exchange, the free employment office and recent court decision affecting labor.

No strikes of any consequence have occurred in any of our varied industries during this period; and all of the differ-

ences and misunderstandings which have arisen, about which notice was given to the Bureau, were amicably adjusted by the Commissioner.

Free Employment Office.—A free employment office was established by the Commissioner in St. Louis in October, 1897, being conducted by practically the same clerical force heretofore engaged in inspecting the factories of that city. The operations of this employment office have proven highly satisfactory, employment being secured for almost five thousand deserving persons. The advisability of providing adequate sustenance for this line of work, as well as extending its benefits to the western half of the State is earnestly recommended by the Commissioner, who also suggests needed changes in the laws relating to the collection of statistics, factory inspection, child labor arbitration, reliable agricultural statistics, the screen law, and means for encouraging immigration, all of which are worthy of careful consideration.

The law of 1879, creating an Immigration Board (R. S. 1889, sections 5446, 5459), has been inoperative since the expenditure of the last appropriation made for its support in 1881. The widespread attention being directed to the resources and latent wealth of Missouri by the citizens of other states, and the many inquiries being made concerning opportunities for investment, fruit-raising and the procuring of homes, justify the conclusion that this subject is of sufficient importance to merit legislative recognition.

MINES AND MINING

Among the varied industries of the State, not one of them will compare relatively with the rapid progress made and the increasing growth of our mining interests.

During the past year large sums of money have been invested by capitalists outside of the State in our developed and undeveloped mineral lands. As a result of the extraordinary prices and demand of late for our ores, an activity prevails in the mining districts never before experienced and

the inducements for investment thus made are greater than ever. With the brilliant prospect offered to quickly acquire fortunes, it is but reasonable to expect a still greater influx of capital.

The very large increase of $2,833,415 in the value of the product for the fiscal year ending June 30, 1898, over the year before, with the promise based upon the actual business of the past six months of the current year of a $3,000,000 increase over the last year, or a total of nearly $6,000,000 of an increase in two years, shows a marvelous development and portends vast results in the growth and prosperity of the commonwealth. This rapid growth, and especially in the case of the zinc ore product, cannot be classed as spasmodic, for the reason that the new uses to which it has of late been applied cover so wide a field and the territory in which it has thus far been developed is so limited (for Missouri now produces one-sixth of the entire zinc production of the world), that good prices must prevail for some length of time, under favorable business conditions. The importance of our mining industry can be better appreciated when we realize the extent of the claim made—"that the lead and zinc ore product for this year of Jasper county alone will exceed in value the gold and silver production of the celebrated Cripple Creek region."

During the past year 1,038 shafts have been operated in our lead, zinc and coal fields, in and about which 16,000 men have been employed.

Laws safeguarding the above (because extra hazardous) have been added with each succeeding session of the General Assembly, the result being that the duties of the Inspectors have been thereby enlarged and increased; then, again, the demands made upon their time and attention incident to the growth and increase of the industry invite a due consideration of their services and necessities. Both of the Inspectors appeal for relief and assistance, claiming that the present demands made upon them are out of all proportion to the provisions made for the proper conduct and performance of their duties. They are required to carefully inspect the

great number of mines operated, to investigate all accidents occurring, to gather the reports from each operator, compile and tabulate the same, to make an annual report, to secure and examine mine maps, to answer a large and ever increasing correspondence, to travel between 9,000 and 10,000 miles annually, and all this, too, without an assistant or any provision made for clerical help.

The law, as it stands, authorizes the Governor to appoint the Mine Inspectors, but requires the Inspectors to make their reports to the Commissioner of Labor Statistics. As this same law demands that the Mine Inspectors shall be practical mine men and experienced in their respective lines of business, more or less friction has existed as a result of their being compelled to report to the head of a department who does not appoint them, and who is not supposed to have any practical knowledge of mining. The Inspectors have proven themselves most worthy and faithful in the discharge of duty. They now earnestly petition, in view of the vastly changed conditions existing since the law was framed, which required them to report to the Commissioner of Labor Statistics, that the General Assembly cause mine inspection to be divorced from the Bureau of Labor Statistics and that a separate department be created, to be known as the Department of Mines, Mining and Inspection, and that an appropriation be granted sufficient to employ a secretary, who shall also be a draughtsman and act as assistant in the field when required, together with such other assistance as will enable it to fully perform its functions in securing the largest possible safety to mines and miners.

GEOLOGICAL SURVEY

The Bureau of Geology and Mines, under the present Board of Managers, is rapidly consummating the great work for which it was originally intended. The State Geologist, Hon. John A. Gallaher, an expert Mining Engineer and a life-long student of geology, from a practical standpoint, has a keen conception of what is expected of his Department.

The precision and energy with which he is proceeding show that he knows exactly what kind of information the people want in that line and just how to get it before them.

If sufficiently provided for so that it can carry out its plans without let or hindrance, the present management of that Department will soon make the Geological Survey accomplish all and even more than was ever expected of it. The Geologist is now collecting data with which to unfold the structural geology of the whole State in one report on that subject. Next to the report on its Structural Geology will be one report on the Economic Deposits of Missouri, then a correct Geological Map of the State and the work of the Survey as originally contemplated will have been finished.

BUILDING AND LOAN SUPERVISION

The effect of Supervision of Building and Loan Associations is clearly discernible in several directions. (1) For a number of years prior to the panic of 1893, there was quite a growth in most of the cities and towns of Missouri; in many places development amounted to a boom, or at least to phenomenal expansion of the building of houses which tended to the appreciation of urban property. Since 1893 there has been an increasing depreciation of the average home or house in the cities, with perhaps exceptions in specially fortunate localities. What may have been a fairly good loan in 1892, may have been more than the selling value in 1893, and even less since that time. This caused much property to be acquired by building and loan associations which was afterwards converted into cash at a loss, or held to be finally sacrificed, causing many associations, which happily escaped a receiver, to liquidate. (2) Many associations had departed to a greater or less extent from conservative methods. The Supervisor soon questioned their inability to meet the expectations they had raised and experience has demonstrated the correctness of his judgment. (3) Dishonesty of some officials and negligence of directors have been the cause of much loss, some of which has been restored

by having supervision. These and other causes have brought building and loan associations into disrepute with many persons, and yet in many places they were never more popular and flourishing than they are now. There are in the State 226 associations, 222 of which reported in September, showing resources of $18,255,186.22. There are 66 less reporting associations in 1898 than there were in 1896; 33 less than in 1897. The assets are $8,097,768.58 less than 1896, and $4,242,523.27 less than in 1897. Of the reporting associations, 27 are called Nationals, because they do not confine their operations to the city of their domicile; their resources are $5,242,663.21, leaving to the 195 locals $13,012,523.01.

Our efficient and painstaking Supervisor, Hon. H. L. Gray, closing the text of the current report, eloquently says:

"Every building and loan association doing business in Missouri is chartered under our law. With the exception of a relatively small amount of business done by the Nationals in other states, every dollar paid in, every dollar loaned, is the contribution of a Missourian. These corporations appeal to the lawmakers as wards of the State, seeking guidance, wisdom and protection for the beneficent purposes of encouraging thrift and building homes. If the law governing these corporations is not for the highest interests of the struggling masses, who look to them as a means to an end, then the law-makers can discharge no higher duty than to seek to make them practical, popular, healthful and secure."

LEGAL DEPARTMENT

In the State of Missouri the number of cases prosecuted and defended by Attorney-General E. C. Crow from the 1st of January, 1897, to the 1st of January, 1899, was as follows:

Civil cases	33
Criminal cases for the year, 1897	88
Criminal cases for the year, 1898	94
Total	215

It will thus be seen that this department handles a great deal of legal business. The Attorney-General has no assistant, but simply a chief clerk and one stenographer. The business of this department has grown very rapidly in the last few years, as is evidenced by the record in the Supreme Court. To illustrate, in the year 1888, ten years ago, the total number of all cases handled by the Attorney-General in the Supreme Court was 48, while in the year 1898, the total number of criminal cases alone handled by the Attorney-General has been 94, or almost double the number of civil and criminal cases both handled by the same department ten years ago.

In addition to the labor of attending to the cases in the Supreme Court and the Courts of Appeals, where the State of Missouri is interested, it is the duty of the Attorney-General to advise all the executive officers of the State, the various boards of the different State institutions, and also to advise in writing each of the 114 prosecuting attorneys of the State and also the circuit attorney of the city of St. Louis.

In the two years from January 1, 1897, to January 1, 1899, the Attorney-General has written 143 official opinions, in addition to the labor of the court business and other official duties, and has handled more business than that of any of the surrounding states.

For the first time in the history of the Insurance Department, it has had during General Crow's administration his services, and a large sum of money has thereby been saved to the taxpayers.

All the other Departments, except that of the Attorney-General, has provision made for publication of reports annually. This has been the custom for many years. There seems to be no reason why provision should not be made for the publication of a report of the Legal Department of the State. This is done in almost all the states of the Union, and I think it should be done in Missouri.

THE STATE BOARD OF CHARITIES AND CORRECTIONS

The act creating the "State Board of Charities and Corrections" by the last Legislature defines the powers and duties of said Board as follows: "Said Board shall have the power, and it is hereby made its duty, to investigate the whole system of public charities and corrections, to examine into the condition and management of all prisons, jails, almshouses, reformatories, reform and industrial schools, hospitals, infirmaries, dispensaries, orphanages, and all public and private retreats and asylums which derive their support wholly or in part from the State, or from any county or municipality within the State."

The functions of this Board are in no sense executive, being wholly advisory, and the fact that it has to rely entirely upon public opinion to have its recommendations followed, is a reason why the institutions under its supervision are quick to adopt what is recommended, knowing it has no motive in making such recommendations but what public opinion would approve and uphold.

The Board is composed of six members, two Democrats, two Republicans and two ladies, whose services are all given voluntarily and in the interest of those of our fellow-beings who need the arms of the State to be extended in parental tenderness, including the deaf and dumb, the blind, the homeless, the insane, the distorted epileptic, the driveling idiot and the vicious criminal. The care of these unfortunates is a recognized public duty, and to provide for them is a function of our civil government, which apart from "criminal cost" and the tax for public schools, is by far the heaviest burden upon the people of the State. It is, therefore, important for the public to know, not only to whom, for what, where and how this money is expended, but how can it be most judiciously used to aid those whom it is intended to help, and to be of least burden to the taxpayer. The people do not complain of the actual cost of caring for the dependent and delinquent; to stint the poor and afflicted is not according to the Missouri idea—but that

there should be neither extravagance nor stinting. State supervision by a State Board of Charities and Corrections was deemed necessary.

The single fact that such supervision provides for inspection of public institutions, which may take place at any time and without notice to the immediate management, leads, it is held, to a more constant attention upon the part of the officers than could be secured by any other means. Statistics showing the numbers, classes, character and conditions of those who are in anywise dependent upon the public care, with the cost of their maintenance, and the causes producing pauperism, insanity and crime, carefully collected and accurately compiled, constitute the best possible basis of social and moral reform.

From its creation, the Board has been hampered by a lack of sufficient means to carry on its work. The appropriation of five hundred dollars per annum was too meager to go far in the accomplishment of the work entrusted to the Board. Had it not been for the kindness of many of the railroads of Missouri in furnishing transportation to the members of the Board, its mission would have been a failure.

During the biennial period of the existence of this Board, it has visited all the larger institutions committed to its care. Most of them have been visited several times. Suggestions have been offered and acted upon by the local boards governing the institutions. It has inspected these institutions in all their departments. It has carefully gone over the books and examined into the expenditures made. It has gone even into the "Sundry Department" and itemized accounts. It has visited every room in every State asylum, and has examined carefully into the condition of bedding, food, comforts and treatment. The Board, either through one of its members or secretary, has visited about half of the jails, poorhouses and city prisons of the State. Only a lack of funds kept them from going to every county in the State. Through its influence nearly one hundred persons have been transferred from the poorhouses to the State asylums, reformations have been brought about in

many places that will greatly inure to the comforts of the afflicted. Discoveries have been made concerning the condition of some of the institutions under its supervision, which when laid before you, will be helpful to the enactment of certain needed laws.

All the Northern and Western States, with but few exceptions, and four or five of the Southern States, have Boards of Charities and Corrections, and I am informed they are meeting with great favor, and are more popular than any others of the State boards.

The secretary should be required to live in Jefferson City and keep his office at the Capitol, and should be paid a salary of $2,000 per annum. The Board should have at least $2,000 annually for its support.

The biennial report of the Board will prove interesting and helpful; it will show that it is doing a great work for Missouri, and I bespeak for the Board a careful consideration by you of the laws it suggests for enactment, and your encouragement and liberal support.

STATE GAME AND FISH WARDEN

For many years there has been on our statute books a provision creating the office of "State Game and Fish Warden." His duties were merely perfunctory. There is no salary attached, neither is there an expectation of fees, resulting from convictions for violating the game and fish laws; in other words, the office is nominal instead of active and progressive. There is nothing in it to stimulate the incumbent, not even glory, for the general public scarcely knows of any such officer.

In the rural districts more especially, parties, disregarding the law, have for years killed game out of season in wholesale manner, and seined and dynamited fish in streams without the semblance of prosecution.

The natural result is we are finding our woods almost without game and our waters without fish.

It was supposed that the laws made during the session of 1893 would remedy these evils, but it seems that many violations have escaped the attention of the several grand juries.

Our laws regarding the protection of game and fish are good, as they stand, but without enforcement are null and void. Our prosecuting attorneys, in most instances, have more now to attend to than the ferreting out of violations of the game and fish law, and I assume that they will all join your Assembly in devising some plan by which they may be assisted in stopping this violation of the game law.

Nearly two years ago I appointed to the office of State Game and Fish Warden, Mr. A. J. D. Burford, of Burfordsville. He has now deputies in every county in the State, and the convictions had for violations of the game and fish law number over the hundreds. He has accomplished great good to the game and fish industry, and it appears to me that it is but just and right that this office should carry with it a salary.

I would suggest that a bill well framed regarding this subject be passed.

BOARD OF PHARMACY

This Board, composed of three well-known and experienced druggists, has done much during the past two years toward advancing the standard of proficiency among pharmacists. They have traveled over many portions of the State, looking into alleged violations of the pharmacy law, and at various points have conducted examinations of applicants for certificates. Formerly the Board made these examinations at some central town, to which all applicants were compelled to go, but the plan adopted by the present Board, in making these examinations is convenient to all concerned and has received popular approval. I am not advised in detail as to the necessary improvement of the present pharmacy law, but it is suggested to me that all druggists should be required to register annually, without

re-examination. This change of law, with the small fee attached, would provide for the collection of sufficient funds for the expenses of the Board and enable the members to more strictly enforce the law.

EDUCATION

UNIVERSITY

The last General Assembly appropriated for the support and maintenance of the University the sum of $57,000 for the past biennial period, $33,000 for the erection of a dormitory for boys, and $10,000 for ordinary repairs and improvements. All these sums have been consumed, and it will be your duty to carefully examine into its needs and act accordingly. The report of the Junketing Committee and that of the Special Visiting Committee will be laid before you, and from these you will be able to gather valuable information regarding the present condition of our University. I take it that every member of your body is in favor of equipping this institution to such a degree that those of our youth who are ambitious to acquire higher educations, after they have graduated from our high schools, normals and private colleges, will matriculate in their own University, and not seek the advantages offered them in foreign states. Our Normal schools are as proficient as any in the states, and our colleges, maintained by various churches, are a credit to our great and growing Commonwealth. The University, too, can and should be made a pride to every Missourian. It is already an institution equal to any in the west, and we should make it one of the foremost in the land. To accomplish this end money must be expended. Missouri is a rich State, and it is growing richer every day. A liberal outlay of money towards the advancement of her institution of higher education is that much well and economically spent. Judicious appropriations along this line will be applauded by your constituency.

During the session of the last Legislature I advocated the passage of what was commonly called the "Endowment Bill."

The defeat of this bill was a great disappointment to the friends of the University. The feature in that bill providing for free tuition in the academic department was especially commendable to me, and I am pleased to note that at a recent meeting of the Board of Curators it was resolved to abolish tuition in the entire academic course, and require tuition fees only from students for the law course and for two years of the medical, leaving free the first year in that department. If I am not mistaken nearly all of the state universities accorded this privilege to the resident youth except Missouri. There are many Missouri boys who have finished the courses prescribed in their high schools or local colleges, who yearn for higher academic instruction, and are unable to acquire it on account of their limited means. In this connection the Special Visiting Committee, appointed by me, as required by the statutes, to examine into the welfare of the University, among other things, used this language:

"We recommend the tuition fees be wholly abolished, for the reason that the University is a part of the articulated public school system of the State. Almost all the state universities in the country have long since abolished tuition fees, and Missouri is one of the few exceptions to the rule."

It is estimated that the first year tuition is made free in all departments, the University will have an increase of 250 students.

This committee further recommends liberal appropriations for maintenance and the erection of various buildings necessary for superior equipment. While the efficiency of the University was in some measure necessarily reduced on account of the inadequate appropriations of the 39th General Assembly, the institution has made a creditable growth. I will not in this message assume to present figures regarding its requirements for the next biennial period, as this duty is more properly the function of the Board of Curators. This Board is composed of men of learning and business experience, who have for sometime been in close

touch with the University, and will furnish you with any information concerning it you may desire.

Having presented this matter to you very briefly, I submit the University question to your care, believing that in the wisdom of your deliberations you will do the right thing by it, our youth and our State.

SCHOOL OF MINES AND METALLURGY

This institution (which is a department of the University), demands attention. The nature of the courses offered here, the high standard of instruction maintained, its rapid growth in number of students, and its development along technical lines, have given it a reputation which reflects great credit upon the State. This is shown by the large number of students who have applied for admission from other states and from foreign countries, and by the uniform success of its graduates.

It imperatively needs new buildings and equipment and generous support, to enable it to care for the increased number of students in attendance, and to successfully compete with the rival institutions of kind, so liberally cared for by the states of Michigan and Colorado.

The cost of educating a student at the School of Mines in Rolla is at present one-half that at its leading rivals, which is sufficient proof of the economy practiced in the administration of its affairs.

The laboratories are badly overcrowded, and it has reached the limit of its growth and efficiency unless immediate provision is made for its needs.

I recommend that it be liberally supported, and that an adequate appropriation be made for a needed new building.

NORMAL SCHOOLS

It has been a source of great pleasure to note the progress and prosperity of our three Normal schools. Their locality, to say nothing of the standard of efficiency, calls for popular approval.

These Normals are located at Kirksville, Warrensburg and Cape Girardeau, and are at present flourishing as never before. Each school has a faculty distinguished in science, literature, languages and pedagogics, and is moulding our young men and young ladies for a life that will be serviceable to the coming generations. Our Normals have already graduated many who have high rank among the educators of the State, and who have also achieved fame in distant states. Those who have left our confines continue to applaud our Normal school system. When a work of excellency is known at home it is soon spread abroad, and it thus helps to bring our State into good repute.

I am happy to note that your General Assembly has been cognizant of the needs of Missouri's Normal school system. The Regents of the three schools will present to you, through the proper channel, the necessary requirements of the schools for the next two years, and you, as representatives of the State, interested as you are in its general welfare, will see to it that our Normals will not suffer at your hands.

LINCOLN INSTITUTE

Lincoln Institute, located at Jefferson City, established for the exclusive use of negroes, under its present management, is in a flourishing condition. It was originally intended as a Normal school for the training of colored teachers, but now, besides a normal department it has an industrial and other departments, and has become a college for the higher education of colored boys and girls. This institution is one in which the people of Missouri have always taken great interest, and they should continue to give it liberal support.

The appropriations for 1896-7, were as follows:

For support and maintenance	$18,000
For maintenance of Industrial school	6,000
For repairs and improvements	2,500
For additional equipment	2,000
For water supply	1,250

For steam heating for all buildings	$3,600
For sewers	1,200
Total	$34,550

The following is an estimate of expenditure for the next two years, which you will be asked to appropriate:

Support and maintenance of Lincoln Institute proper	$20,000
Support and maintenance of Industrial school	6,000
Repairs and improvements	2,000
Additional equipment	1,200
Farm	1,000
Domestic economy	1,000
Business course	2,000
Boys' dormitory	6,000
Improvement of grounds	600
Gas and fixtures	1,000
Library	500
Total	$41,300

In addition to the appropriations for support, repairs, improvements and equipment, the President and Faculty recommend that a Boys' dormitory be built, that gas be furnished for the grounds and buildings, that a business course be established, and that a small appropriation be given for library purposes. The present dormitory is considered entirely too small for both sexes to occupy jointly, to say nothing of the objections of parents to sending their girls to any school where they are in too close contact with male students. It is thought that with the completion of this dormitory, at a cost of $6,000, the attendance at the school will be greatly increased. The cost of erecting this building can be lessened considerably by allowing the students in the Industrial shops to assist in its construction.

Prof. John H. Jackson, President of the Institute, elected to succeed Prof. Inman E. Page, in a late report to me says:

"Permit me to close this report by saying that if the men of my race are to be given an opportunity to grow along material lines so as to become producers, rather than being, as now, practically unskilled laborers and hence consumers—an incubus upon the body politic—if the women of my race are to rise any higher in the scale of being, if they are to attain to a more worthy, a more dignified and self-supporting womanhood, the industrial features of this and similar institutions must be properly fostered, diversified and made productive, if not partially remunerative to students.

"I plead for greater and better opportunities for the negro along industrial lines; and I also express the opinion that only by the development of this feature in his training is there the least hope to make him, or any other people self-respecting, self-supporting and self-reliant."

ELEEMOSYNARY INSTITUTIONS

THE MISSOURI REFORM SCHOOL

The Missouri Reform School for boys, located at Boonville, is in a most flourishing condition. More boys have been sent to it within the last two years than at any time in its history. This increase I attribute to the more liberal laws governing it which were passed by the last General Assembly, and which received my approval. There are at present 430 boys in the School, the last consecutive number being 1,181. The cost of maintenance is gradually growing less. The School is well equipped and the property is all in first-class repair. An industrial shop building, a cottage for boys and a hospital have been added during the last two years, covering an appropriation of $12,500. One hundred and eighty-six acres of good land adjoining the State's property have been purchased from an appropriation of $7,000, made at the last General Assembly for that purpose.

The School will rank with the best of similar institutions in the United States, both in economy and resources. I am especially proud of its financial condition. It is worthy

of notice. Nearly one-half of the $13,000 appropriated for contingencies still remains to the credit of the School. The School is enjoying a splendid reputation throughout the whole country, and reflects credit upon Hon. L. D. Drake, its superintendent, and its honorable Board of Managers, as well as upon the State. Buildings have been constructed with the labor of the boys that have been a saving of at least 35 per cent of their cost to the State. The entire plant represents an outlay of about $75,000, and is easily worth, or would have cost by contract, $180,000 or $200,000.

The health of the School is excellent. Not more than $50 has been paid for physician's services in the last four months. It is very gratifying to me to learn from the Superintendent that at least 70 per cent of the boys who have left the school have been permanently reformed and are now self-supporting. This reflects credit upon the industrial feature of the School, as a trade makes a boy manly, independent and capable of self-support.

In this connection I present a brief joint report received from the President of the Board, Capt. Chas. E. Leonard, and the Superintendent, L. D. Drake, under date of December 6, 1898, which I am sure will be as gratifying to you as it has proven to me:

"We have the honor to submit a brief report of the State Reform School for Boys. The institution is just closing its tenth year, and at no time in its history has there been a more successful period than the two years just closing. The institution is no longer regarded as an experiment, but one destined to accomplish much good for the erring youth of this great commonwealth. Appropriations were made by the Thirty-ninth General Assembly providing for the following specific improvements, viz.:

A cottage for 50 or more boys.
A closet and sewerage.
A hospital for the sick.
A shop building.
Livestock and implements.
A library of 1,300 volumes.

A farm of 186 acres.

The total amount appropriated being $25,500. This has been, as we think, very judiciously expended, and the buildings will attest the truthfulness of this assertion. The recommendations necessary for the ensuing two years are as follows:

For chapel or church	$7,000 00
For cottage similar to the one erected last year	5,000.00
For six-room school building	5,500 00
For electric light plant	4,500 00
For improvements and repairs	1,500 00
For livestock and implements	600 00
For library	250 00
For printing office	1,000 00
Total	$25,350.00

The above was carefully considered by the Board of Managers and deemed necessary. Every dollar appropriated to this institution by the General Assembly, for a specific purpose, can be made to show three times its value in permanent improvements; in other words, the State receives its buildings for one-third of the cost it would require to erect the same building by contract, as the boys of the institution perform all the labor required, in the construction of these buildings from the beginning to the completion of any or all of them. This should certainly be a sufficient reason for securing appropriations essential to the betterment of one of Missouri's great institutions.

"The State of Missouri is in arrears to the amount of $4,054.20 for support of boys commuted from the penitentiary. It is very necessary that the institution should receive this amount and we respectfully ask that you call attention to same either by reference to it in your message or by instruction to the Auditor of the State to be inserted in the general deficiency bill."

INDUSTRIAL HOME FOR GIRLS, AT CHILLICOTHE

Number of inmates in the Home	100
Number of inmates received in 1896	29
Number of inmates received in 1897	20
Number of inmates received in 1898	42
Whole number received	173
Number discharged from 1889 to 1897	23
Number discharged during 1897 and 1898	41

But four have returned as unfit subjects during the existence of the institution. Only two have died. There have been no epidemics—no serious sickness—the deaths occurring from disease contracted before entering the Home.

The first cottage was erected in 1889, during Governor Marmaduke's administration. This cottage was named in honor of the Governor. In the first year of its existence it received but seven inmates, but now has 50 inmates. Now there are two cottages—the second was erected in 1897, named "Missouri," and now has 50 inmates. The number of inmates now in the Home is 100, 50 in each cottage.

At first only girls were sent here who were really criminals; but as the workings of the Home were more thoroughly understood and appreciated by the State, the character of the girls sent has been changing.

The number of girls who are apprenticed to the Home is constantly increasing. These are girls who have nothing against their characters, only poor, and forlorn, beset by temptations, with no competent protector.

The age of the girls who are committed before a court is constantly increasing, thus showing that the counties are waking up to the necessity of saving their girls, believing that it is better to commit with downward tendencies, than to wait until she is altogether bad before reformation begins.

In 1897 and 1898, to December, 48 girls were received; in 1895 and 1896, 38 girls were received, thus making a steady increase, showing that the whole State is quite up to the progressive thought of the age as to its duty to its dependent wards.

The State has just cause to be proud of this "Home"—the results of its training are fast becoming visible.

The commitment idea is lost sight of as far as possible. The institution is enclosed by no high walls. There are bars to the windows of but two of the rooms, where the new, untried girls are kept. The girls are given all the liberty they will not abuse. The doors are only locked at night. The girls are given freedom of the lawn during recreation hours. Dressed in uniform, they are taken to the several churches of the town every Sunday morning. They are given many diversions, such as walks, picnics, nutting and apple gatherings, watermelon treats on the lawn, etc.

From 1889 to 1897 there were 23 discharged; in 1897 and 1898, 41 were discharged. These girls were sent to good homes. Out of the 41, 11 have married; 17 are unmarried, and all are doing well; leaving only 12 whose fate is uncertain.

Thus 70 per cent in the two past years are apparently reformed. This has surely shown a sufficient reason why the institution should be fostered by the State and liberally supported.

The last Legislature reduced very much the appropriation which was asked for this institution; but in spite of that and its increased attendance, it is run so economically that its report to the Legislature will show no deficiency.

The girls can be kept in the Home for $110 a year; $75 of this is paid by the county. This amount includes not only the maintenance and education of the girl while in the Home, but her railroad fare to her place of destination, together with that of the officer accompanying her; also, a "go-away outfit," consisting of a trunk and new clothes to the amount of $25.

MISSOURI SCHOOL FOR THE DEAF

Supt. N. B. McKee forwards me the following report, under a late date, of the present condition and needs of this deserving and splendidly managed institution, to which your attention is respectfully invited:

"Our present enrollment is 348. The number probably will be increased to 360 by December 31. This attendance crowds our dormitories and dining room beyond proper limits, and I must soon begin to refuse admission to those applying. More especially, our school building is full to overflowing. We have been compelled to go outside to provide for eight classes.

Two of them are occupying rooms in the main building, that are needed for other purposes, and six of them occupy rooms in the new hospital building, which, of course, defeats the purpose for which it was erected.

With these general statements, which you can verify in a few moments by a personal visit, I submit my estimate of appropriations needed for the two years ending December 31, 1900:

Support	$92,000.00	an increase of	$2,000.00
Salaries of teachers and officers	46,000.00	an increase of	3,100.00
Repairs	4,000.00	no increase	
Improving grounds (fences, walks, roads, etc.)	1,000.00	no increase	
Four new boilers			4,000.00
Additional school building			15,000.00
Cottage or home for small pupils			18,000.00
New barn			2,500.00
Blacksmith shop			1,000.00

In regard to the first two items, "Support" and "Salaries of Teachers and Officers," I think I need merely state that our per capita cost during the last two years has not exceeded $185, whereas the average per capita cost in thirty-four similar schools in the United States has been $235 during that period.

The next two items are so moderate in amount and the necessity is so apparent that I will pass them without comment.

The appropriation of $4,000 for new boilers should be urged as an absolute necessity in order not only to keep our school in session during severe weather, but also to guard against probable loss of property and possible loss of life.

Our old boilers were put in seventeen years ago. Doubtless their heating capacity was sufficient at that time, but since then the space to be heated has more than doubled. This means that in the last few years in a vain attempt to heat our buildings and furnish the necessary power, our boilers have been overtaxed, damaged and rendered unsafe. I base the latter statement partly upon the report of a competent inspector; an insurance company upon the same report refused to insure our boilers under the pressure we have to carry in very moderate weather.

In regard to additional schoolrooms, I have already shown the necessity for the same even with our present attendance.

In regard to the seventh item, at least three desirable results will be obtained by providing a cottage or home for small children.

First—We have about seventy-five children between the ages of eight and ten. By having a separate building and play ground for them, we can more nearly provide that home-care and training which every child should have; and by thus keeping them apart from the older pupils we can at least prolong the innocence of childhood.

Second—A separate building for small children will relieve our present dormitories and dining-room, and enable us to add from 50 to 100 pupils to our present attendance. Undoubtedly there are in Missouri more than 100 deaf children of school age who have never attended school, who ought to be here, and who could be brought here with a little effort on our part.

Third—This cottage or home would contain a kitchen which would be considered a part of the industrial training department for girls. Here I would have the older pupils taught practical cooking. At present they are taught only sewing and dressmaking. This is helpful to all, but furnishes a means of self-support to but few, whereas, good cooks are in demand at home and abroad.

I ask $2,500 with which to erect a new barn. The one we have now mars the premises. It is a rough, unsightly

building, inconvenient and insufficient; its value does not exceed $100.

I ask also for $1,000 with which to erect a blacksmith shop. I want to add this to our industrial department. I think it one of the best trades for our boys, inasmuch as most of them come from small towns where cabinet-making, tailoring, etc., afford a precarious living."

MISSOURI SCHOOL FOR THE BLIND

I beg to submit to your honorable body the following brief report of this important State institution from Hon. Frank R. O'Neil, President of the Board of Managers, which I respectfully commend to your favorable consideration:

"Responding to your recent note of inquiry addressed to Dr. J. T. Sibley, Superintendent, I am pleased to report that the condition of the Missouri School for the Blind is so generally satisfactory that the Board will have no request to make of the Legislature beyond the usual biennial appropriation to defray the current expenses of the School during the ensuing two years. While our expenses may be increased a little by a slightly larger attendance, we feel confident that same appropriation as last—$59,000; $34,000 for support, $25,000 for pay-roll—will be adequate."

THE CONFEDERATE HOME

The Confederate Home at Higginsville, Mo., by an act of the last Legislature, was declared to be an eleemosynary institution of the State of Missouri. The land and all the appurtenances thereto belonging, together with all personal property, was vested in the State of Missouri, and the following appropriations were made:

For support and maintenance	$24,000
For ordinary repairs and improvements	2,400
Total	$26,400

During the two years just drawing to a close this institution cared for an average of 147 people, including old soldiers, their wives and their children under 14 years of age.

The greatest number of inmates in the Home at any one time during these two years was 152; the lowest, 130.

When the State took charge of the Home there were 118 inmates. Number admitted in the past two years, 101; total number in the Home for two years, 219; number discharged and withdrawn, 45; deaths in the Home for the past two years, 22; number of children provided with homes after reaching the age of 14, 5; number of inmates remaining in the Home, 147; number of applicants, with papers filed, but cannot be received for want of rooms and means of support, 33.

To feed 150 people and clothe 147, to pay salaries of officers and employes, provide fuel, light, medicine and burial expenses, an appropriation was made of 25 cents a day to the inmate.

The deportment of the inmates has been excellent. The old soldiers are happy and contented, notwithstanding the necessary close economy to which they have been forced, in view of the small amount provided for their support. A large majority of the inmates are beyond 65 years of age, and are afflicted, many of them being helpless. They have no nurses or helpers except such as could be given by each other.

The hospital building is entirely unfitted and inadequate, and a new one must be built. The water system is old, worn out and a steam laundry is considered an absolute necessity. Another great need is a cow barn and dairy, as much for economy as health.

The farm fencing is old and rotten, while part of the farm is practically without fence.

It is estimated by the Board of Managers and Superintendent that the following appropriation will be needed:

For maintenance and support	$30,000
For improvements and repairs	13,500
For salaries of officers, employes, nurses, cooks, helpers, etc	19,240
Total	$62,740

With these appropriations it is estimated that the instition can care for at least 200 people. The appropriation two years ago was based on a population of 118 people.

The present Board of Managers are kind, considerate and humane, and give much of their valuable time to the Home and the needs of its dependent inmates. The Board, in selecting Capt. George E. Patton as Superintendent of the Home, acted wisely and well.

STATE FEDERAL SOLDIERS' HOME

The Board of Trustees of the Home organized June 25, 1897, by electing the following officers of the Board:

President, Capt. Louis Benecke.

Vice-President, Hon. J. W. Farris.

Treasurer, Hon. Charles F. Vogel.

Secretary, Mrs. Francis M. Wheeler.

We obtained deed from the W. R. C. Home Association, conveying to the State of Missouri the valuable sixty-acre tract of land and buildings, for the nominal consideration of $1.00; the true value at a low estimate is $20,000, original cost being over $40,000.

The management was compelled to make extensive repairs, establish waterworks, and add a hospital building, now nearly completed. The W. R. C. and G. A. R. organization defrayed some of the expenses, finishing certain improvements, contemplated prior to the transfer of property to the State.

It required much of the time, gratuitously, yet cheerfully given by the executive officers of the Board in order to bring this State institution up to that satisfactory condition in which I found it when I visited the Home last summer.

It is evident that this institution would have fallen short of accomplishing what it has if it had been compelled to rely exclusively upon the $10,000 appropriation made by the State for two years.

The following statistical table will show that it has practiced the utmost economy, without depriving the inmates of such comforts as should be bestowed upon this class of our fellow citizens.

Number of inmates June 25, 1897, when the State took charge	18
Number admitted since	86
Total	104
Number died since	9
Number discharged since	25
Total	34
Now on rolls, present and absent	70

Amount expended on permanent improvements up to November 1	$1,389.49
Amount contracted, due upon completion of hospital building	936.00
Total	$2,325.49
Amount expended for equipment of Home, hospital and farm	1,091.75
Total salaries and wages, 16 months, to November 1, 1898	2,664.87
Total cost of food, 16 months	3,179.40
Total	$9,261.49
Average number inmates present during 16 months	38 5
Average cost of food per inmate	82.58
Average cost of food per inmate per month	5.16.48
Average cost of food per inmate per day	.17 216
Total cost for nurses and medicines	815.11
Average cost for medicine and nurse per inmate (hospital)	22.39.22
Average cost for medicine and nurse per month per inmate	1.39 95
Average cost for medicine and nurse per day per inmate	.04.665
Number of double beds, 28; number single, 8 (hospital cots not included).	

The first official report of the Board will be found to be complete and interesting.

STATE INSANE ASYLUMS

There is no department of the State government I am more interested in than the State insane asylums, and I am happy to say that they are all at present in the most healthy condition. The nearly 2,500 patients at Fulton, St. Joseph and Nevada are as well cared for as if they were domiciled in private institutions. They have good beds to sleep in, their rooms are warm in winter and cool in summer, and their tables are supplied with an abundance of good and wholesome food. While it has been possibly the practice of some former superintendents to economize in table supplies, in order that their financial records may prove better, I was pleased to learn from the members of the Board of Charities and Corrections, who visit all the State institutions, that the present superintendents and managers of these asylums spare no expense to satisfy the appetities of the inmates. Those indisposed are given soups, delicacies and light refreshments suitable to their cases, and those in healthy physical condition are supplied with meats, potatoes, beans, bread, butter, coffee and milk three times a day. I have personally visited these institutions and find that while their superintendents are cautious and careful in their financial investments, they feel that it would be an act of inhumanity to curtail supplies that go to the upbuilding of the man. It is said that the brain becomes diseased for the most part because of diseased body, and it is the disposition of our asylum physicians to see that the body is supplied with good and wholesome diet, and good results have followed, as will be shown.

We have three State insane asylums, the oldest being that at Fulton, with Dr. J. T. Coombs as superintendent; second at St. Joseph, Dr. C. R. Woodson, superintendent; and the third and newest, located at Nevada, with Dr. J. F. Robinson, as superintendent; and it is scarcely necessary for

me to say that under their management these institutions have flourished as never before, for their records of facts and figures speak for themselves.

In the selection of the boards of managers I endeavored to appoint men of good character who were not tied up in local matters, to their prejudice against the State institutions. It sometimes happens that a local member of a board may be interested in the city's welfare more than in that of the institution, but I am proud to say that each of my appointees is much more greatly interested in the success of the business management of the asylums than he is in other affairs.

The managers and officers of the asylums at Fulton, St. Joseph and Nevada are working and acting in harmony. There is no ill-feeling, jealousy or envy existing among any of them. It seems that there is now a new life infused in those interested in the management of these institutions, and every effort has been made to demonstrate to your honorable body that the protection of the State's unfortunates is in charge of men who have hearts as well as pride.

I have received statements of the medical and financial records of each asylum for the years 1897 and 1898, and for the benefit of the people who want to, and ought to, keep informed about such matters, which are so important to taxpayers, I hereby outline briefly the record of these asylums during the above period.

FULTON ASYLUM

The Legislature of 1897 appropriated for the support fund of the Fulton asylum $15,000 for the two incoming years, but when Dr. Coombs took charge on April 13, 1897, he found that $7,798.80 of this amount had been expended by his predecessor, and that only $8,201.20 was left to the credit of the institution to run it for a period of twenty-one months. Thus apparently handicapped at the outset, Dr. Coombs, with the support of his able board of managers, conducted the affairs of the institution with such economy

and good judgment that to this date not one penny of this $8,201.20—the entire support fund remaining from the original appropriation—has been expended, with the following one item as an exception:

During the month of April, 1897, the new managers of the asylum, knowing that the building was not fire-proof, protected themselves from responsibility by insuring the building for $100,000 for a term of three years, paying the premium of $2,000 out of this remaining support fund, which at that time was $8,201.20. The superintendent, in his report, advises me that he will on January 1, 1899, turn over to the State Treasury in the neighborhood of $5,000 more than was remitted to him on April 13, 1897, and further announces that he will not ask the committee on appropriations for any support fund during the incoming two years.

The report of the Fulton Asylum, medically and financially, is as follows:

Number of patients admitted during 1897	200
Number of patients discharged recovered	104
Percentage of recoveries	52
Daily average number of patients	662
Number of deaths for year 1897	43
Percentage of deaths	6.49
*Number of patients admitted during the year 1898	267
Number of patients discharged recovered	114
*Percentage of recoveries	60
Daily average number of patients	771
Number of deaths for year	51
Percentage of deaths	6 61
Cost per capita daily, 1897	42½
Cost per capita daily, 1898	36 9–10

*Seventy-seven chronic insane patients were transferred from Jackson County Poorhouse January 26, 1898. The percentage of recoveries is based on number admitted (190) exclusive of these patients. Percentage of recoveries based upon whole number admitted, including the 77 transferred, 42 7-10.

ST. JOSEPH ASYLUM

Asylum No. 2, at St. Joseph, I am glad to say is in the best condition financially and otherwise. Dr. Woodson reported to the last Legislature that he needed no support fund, for his farm produced an abundance of stuffs necessary to the table.

He reports to me that the institution was never before in a more flourishing condition. His patients are increasing in number, and he finds but little room for their accommodation.

During my administration the record of St. Joseph asylum, medically and financially, is as follows:

Number of patients admitted during year 1897	283
Number of patients discharged recovered	120
Percentage of recoveries	42
Daily average number of patients	851
Number of deaths for the year	69
Percentage of deaths for year	8.11
Number of patients admitted during the year 1898	312
Number of patients discharged recovered	129
Percentage of recoveries	41
Daily average number of patients	950
Number of deaths for year	77
Percentage of deaths	8 10
Cost per capita, daily, 1897	41 2-3
Cost per capita, daily, 1898	41 1-3

NEVADA ASYLUM

Nothing but praise can be given also to the management of Asylum No. 3, under the superintendency of Dr. J. F. Robinson. This institution has always asked for support fund, and at the last session of the Legislature it was given $15,000, but very little of this has yet been expended, the rest will be turned back into the Treasury.

During the last two years the medical and financial record of the Nevada Asylum is as follows:

Number of patients admitted during the year 1897	225
Number of patients discharged recovered, 1897	131
Percentage of recoveries	58.2
Daily average number of patients	593

Number of deaths per year	38
Percentage of deaths	6.38
Number of patients admitted during year 1898	241
Number of patients discharged recovered	123
Percentage of recoveries	51
Daily average number of patients	632
Number of deaths for year 1898	46
Percentage of deaths	7.27
Cost per capita, daily, 1897	40
Cost per capita, daily, 1898	48

In preparing and presenting to you the above statistics I may be encroaching somewhat upon the functions of the Legislative Visiting Committee, whose detailed report will be submitted later, but I am induced to make use of these figures at this time to impress the fact that the number of inmates in the institutions are gradually and steadily growing larger as the months pass away. When the Nevada asylum was built and turned over to the State during the year 0000 [1887] it was supposed that its magnitude would accommodate our unfortunate insane for years to come, to say nothing of the vacant wards in the other two asylums. As our State increases in population so do our eleemosynary and penal institutions increase in the number of their inmates, and the Legislature must take care of their inevitable needs. These three insane asylums have as many patients under their care as they can accommodate and each will ask you to appropriate sufficient funds to build wings for further convenience. This must be done, or it will be necessary for you to pass a bill, carrying with it the necessary appropriation, authorizing commissioners to secure a place of location and build a new and separate institution. Which suggestion is the more feasible I will leave to your honorable body to consider.

EXECUTIVE MANSION

Ex-Gov. Stone, in his last message to the Legislature, referring to the condition and needs of the Executive Mansion, said:

"The Executive Mansion should be repainted both inside and out at an early date, and it stands in absolute

need of other extensive repairs. It should also be refurnished. It was newly furnished about eight years ago, but since then practically nothing in the way of furnishing has been added. The Mansion is used as a semi-public building. It is frequently thronged by large numbers of people, and the use to which its furnishing is subjected makes it necessary that it should be replaced every seven or eight years. In addition to the ordinary contingent fund, I recommend a special appropriation to be used in making repairs and procuring the furnishings referred to."

The Legislature accordingly appropriated $7,000 for repairs, refurnishing, painting, etc., which was expended, as follows:

Repairing and Refurnishing Governor's Mansion, Section 14, Page 5, Laws 1897.

(Appropriated for years 1897 and 1898, $7,000.)

Persons to whom warrants were issued.	Warrants issued in 1897.	Warrants issued in 1898.
Bakrow, Block & Begley, linen		$28.50
Burkhardt, T. G., repairs to clock	$1 00	
Comstock Furniture Co., decorating, refurnishing, painting, etc	5,446.00	
Dallmeyer Dry Goods & Carpet Co., sheeting, etc	6.93	3.30
DeLacand, H., table linen		105 00
Fleming, Otto, repairs to bells	3 50	
Gray China Co., R. B. queensware	222 40	
Gundelfinger, Dan, repairs and hardware	81.90	
Harris, E., rugs		27 00
Hazelhorst, C. G., lumber		2.98
Heinrichs, J. F., repairs		12.20
Helstein, Frank, repairs to awnings	11.00	
Hickman, John, repairs		4.00
Jefferson City Light, Heat & Power Co., repairs	71.20	10.05
Jefferson Heating Co., repairs		11.55
Jeffreys, H. A., repairs	29.95	
Less, Samuel, linen	27.00	

(Appropriated for years 1897 and 1898, $7,000)—*Continued.*

Persons to whom warrants were issued.	Warrants issued in 1897.	Warrants issued in 1898.
Mace, Charles G., repairs	$1 50	.....
Mayer, C., hardware	7.40	$2 20
Missouri Tent & Awning Co., tent	.....	40 00
Miller, M. G., wallpaper	.....	2.50
Mitchell, John E., repairs	65 00	.....
Monnig, Hugo, moulding, etc	7.55	15 12
Opel & Co., Charles, repairs	113.70	48.05
Pacific Express Co., expressage	.....	5 75
Ross, John N., painting	6.00	10 00
Scarrett-Comstock Furniture Co., velours	16.00	.....
Schultz Dry Goods & Carpet Co., rugs, etc.	10 10	14 25
Scruggs, Vandevoort & Barney, rugs	7.50	.....
Sessinghaus, Fred, repairs	121 00	.....
Sinks & Turner, china, etc	9.10	.....
Simmons Hardware Co., cutlery	8.85	.....
Shockley, A. J., hardware	10.90	.....
Starke, J. D., Warden, duck for floors, etc.	.....	48.86
Stephens, Mrs. L. V., dimity	.....	24.05
Stephens, Mrs. L. V., tuning piano	.....	6 50
Taylor, C. C., tuning pianos	17.50	.....
Withrow, George, cleaning boiler	2.00	.....
Eugene Jaccard Jewelry Co	.....	200 00
Totals for 1897 and 1898	$6,304.98	$621 86
Balance on hand Nov. 14, 1898	.....	$73 16

Nothing more is needed for repairs, refurnishing, etc., at present, but the usual amount appropriated for the biennial period for the ordinary contingent fund will be required to keep it in proper condition during the two years remaining of this administration.

RECOMMENDATIONS

CONSTITUTIONAL CONVENTION

Permit me to call your attention to the propriety of a convention to revise and amend our present Constitution.

Many of our most intelligent and thoughtful citizens believe that the time has arrived when this action should be taken. The expenses attending such a convention, it is claimed, would be more than met by the reduction in criminal costs, if the proposed changes which I have suggested should be adopted. There is no danger that the interests of our people will suffer by the assembling of such a body. The work will have to be submitted and ratified by the people of the State, and they can be safely trusted to see that no improper provisions are incorporated into our organic law. It is unquestionably true that many changes might be made in the present Constitution with profit to the State and benefit to our people. I simply call it to your attention as a matter worthy of your most thoughtful and serious consideration.

BOARD OF PARDONS

In this connection I beg leave to inform your body that the most onerous duty the Governor is called upon to perform is that of examining applications for the pardon of prisoners confined in the penitentiary, jails and workhouses.

Petitions for pardons comprise a large portion of my daily mail, and the file cases are now filled with 1,200 or more applications. One can therefore readily observe that in the multiplicity of my duties as Executive it is impossible for me to examine all these applications, in fact there are many that I have never seen. I regret the state of affairs for I may be overlooking cases deserving merit.

While a great per cent of these petitions is framed, circulated and transmitted by over-zealous friends of the convicted, there are some containing appeals deserving attention.

These petitions are not only sent me through the mail but are conveyed personally by the wife, father, mother, relative, friend or lawyer of the convict. These people come many miles for the purpose of interceding with the Governor, and however busy I may be with matters of grave importance, affecting the welfare of the State, it has been my

policy and custom to grant them audiences. It therefore not uncommonly occurs that days pass away consumed in reading and hearing lengthy petitions and arguments, interspersed with entreaties and prayers of the distressed, entirely to the neglect of other issues which should command my attention.

In order that the Governor may be relieved, to some extent, of this burden, I would suggest that you create what is commonly called a "Board of Pardons," or "Board of Recommendations."

The Constitution authorizes the Governor of the State to exercise the pardoning power and the creation of this Board could not divest him of this prerogative. The Board could only be empowered to examine into the merits and demerits of all applications for pardons and report findings and recommendations to the Executive for his further consideration and action.

Such a Board as I have suggested has been established in the following states: Maine, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Pennsylvania, Utah, Washington, Louisiana, Kansas, Illinois, Florida, Connecticut and Colorado.

My advices are that this law in these states has been faultless in its operation and in no instance has an effort been made to repeal it. The framing and terms of the law is different in the various states. The Board should be composed of three men of high standing, not connected with the administration, with a salary sufficient to warrant their attention to the duties of the office, to sit at stated intervals during the year, pass upon all applications before them and report the result of their deliberations to the Governor. It is my opinion that such a Board as I have mentioned could be established and operated on an economical basis and with practical saving to the State.

I do not wish it understood that I want to shirk any of the duties imposed upon me as your Chief Executive, but, as the business and correspondence of the department increase and accumulate as the State grows in population and

importance, it is impossible for the Governor under the existing circumstances to examine into all the details of his duties as he would desire.

It is further argued that this board, deprived of other cases could more thoroughly investigate meritorious applications and ascertain whether or not prisoners had been victims of fraud, deception, intrigue or conspiracy, as is commonly the case.

BANKING BUREAU

I submit herewith the official statement of the 494 incorporated and 85 private banks in the State of Missouri, at the close of business on the 14th day of July, 1898, prepared for me by Secretary of State Lesueur:

RESOURCES

Loans and discounts undoubtedly good on personal or collateral security	$69,170,376 28
Loans and discounts undoubtedly good on real estate security	6,991,521.34
Overdrafts by solvent customers	771,803.34
United States bonds on hand	305,984 22
Other bonds and stocks at their present cash market price	5,896,437.87
Real estate (banking house) at present cash market value	2,249,049 38
Real estate other than banking house at its present cash market value	1,159,213.07
Furniture and fixtures	578,388.37
Due from other banks, good on sight draft	17,872,944.21
Checks and other cash items	1,816,523.04
National bank notes, legal tender United States notes and gold and silver certificates	6,092,722.11
Gold coin	3,201,406.73
Silver coin, including pennies	669,420.51
All other resources	143,476.62
Total	$116,919,267.09

LIABILITIES

Capital stock paid in	$20,408,270.00
Surplus funds on hand	7,346,724.28
Undivided profits less current expenses and taxes paid	1,280,871.44
Deposits subject to draft at sight by banks and bankers	6,108,200 11
Deposits subject to draft at sight by individuals and others	62,725,948.38
Deposits subject to draft at given dates	18,292,642.44
Bills payable and bills rediscounted	642,096 57
Dividends unpaid	54,323.69
Liabilities other than those above stated	60,190.18
Total	$116,919,267.09

Hon. H. L. Gray, the State Supervisor of the Building and Loan Associations, in this Third Biennial Report, says:

"Reports have been received from 222 associations; 141 from associations outside of St. Louis, and 81 in St. Louis. The tables of resources and liabilities, total, $18,-255,186.22; outside of St. Louis $9,816,400.92; in St. Louis, $8,438,785.30."

The total resources and liabilities, therefore, of all State and private banks, and Building and Loan Associations aggregate, $135,174,453.31.

Two or more Governors have called the attention of the Legislature to the importance of establishing in Missouri a *Banking Bureau.* I urge you to give the matter your best attention. If it were important to establish a special bureau for the building and loan associations, with resources amounting to $18,000,000, it ought to be six and one-half times more important to establish a special bureau for the 579 banks of the State, with resources reaching the enormous sum of $116,000,000.

The Bank Commissioner could not only be given control of the banks, but of all the building and loan associations as well, and also of the Trust companies, if they are allowed to continue doing a banking business.

All expenses of the Banking Bureau should be met by a tax, levied in proper form on the institutions committed to the management of the Commissioner. The total resources of the banks and the building and loan associations of the State are $134,174,453.31. An annual tax upon these resources of about 1-66 of [one] per cent would raise enough revenue to pay the following salaries of officers, and all other expenses of the Bureau:

Commissioner, per annum	$3,000
Chief clerk, per annum	2,000
Three bookkeepers, per annum	3,600
Three bank examiners, per annum	4,500
Two B. and L. examiners, per annum	3,000
Stenographer, per annum	900
All other expenses	3,000
Total per annum	$20,000

If the Trust companies are placed in the department, the levy for maintaining it will be materially reduced, while the expense would be but slightly increased.

The law, as it now stands, with reference to our banking institutions is crude, imperfect and unsatisfactory. There is no more reason for the Banking department being in the office of the Secretary of State, than there is for it being in the Geological department, the Insurance department, or the penitentiary. Fortunately for the State and all interested, our present Secretary of State has proven himself competent and efficient, and by my recommendations no reflection is intended upon him or his administration. The Secretary in a State of the size and population of Missouri has all he can do, in looking after the legitimate demands made upon him, without having the additional cares and responsibilities of a work, which should require the undivided time and the best services of a trained and practical banker.

ST. LOUIS INVESTIGATIONS

I further ask your consideration of the condition of public affairs in the City of St. Louis—the metropolis of the State—with whose welfare the interests of the whole State are identified, whose advancement and success means so much to the people at large, contributing as it does three-fifths of the revenue of the State and adding to its greatness in many ways. Its management and proper municipal government, therefore, are matters of great concern to all. For a long period corruption and the grossest mismanagement of its public affairs have been openly charged by its citizens and press. Governed by laws enacted by the Legislature, and ordinances passed by its municipal assembly, it is for you, the members of the chief law-making power of the State, to consider and act upon the charges of official corruption and mismanagement. Indictments for official misconduct are invariably followed by acquittals, until it rests with you to bring to justice those officials who abuse the public trust. It is charged that ordinances are passed by the municipal assembly, granting concessions of immense value to corporations which secure the city only a paltry sum, and are passed by means of bribery, and that the influence of street railway syndicates with the assembly is cause for scandal throughout not only the city but the entire State. It is also charged that on the pay-rolls of the city men are carried and paid who have never been in the city's employ, and that corruption exists in the assessment, collection and distribution of public revenues.

The departments devoted to the control and suppression of vice and crime are more criticised than all others, and a rigid and thorough investigation extending through the police courts, courts of criminal correction, the management of grand juries by the circuit and assistant circuit attorneys, and the operation of the police department should be investigated, and means found to stop the grafting and professional bondsmen system which has grown up and fattened on partizan political influence. The practice of law in the

First District Police Court and the Court of Criminal Correction should be elevated, and officials representing the city and State in criminal prosecutions should be severely dealt with, if your investigation discloses the fact that they have been guilty of shielding offenders against the law and criminals from the just consequences of their acts. The charges that cases are nolle prosequed, fines and bond forfeitures set aside, and a man's political pull is more powerful than the law, and makes a mere mockery of justice, should demand your closest attention. And it is further charged that many other officials in St. Louis are gulity of malfeasance in office.

These reports have come to me from many sources; they are of such a character that I can not, consistently, with the position I occupy, with the duty I owe all the people of seeing they are protected in their rights, fail to direct your attention to this state of affairs. There is no adequate remedy for the evils that exist in the public affairs of the City of St. Louis, except intervention at your hands. The law clothes you will full powers to investigate all evils existing in the management of the public affairs of this State. Believing there is, and has been for a long time, the grossest recklessness, if not corruption, in the management of the public affairs of St. Louis, and that it can best be corrected at this time by you, I respectfully recommend that you, through your committees, proceed as speedily as possible to St. Louis, and there carefully investigate the administration of its various branches of government, and if the evils charged are found to exist, that you promptly enact such laws as in your wisdom shall be necessary to secure to the people of this great city all their just rights. The investigation must be conducted solely in the interests of the whole people, and party spirit must be laid aside, and those departments conducted by Democrats should receive the same searching investigations as those under Republican rule. The people want to know the truth as to the charges so often repeated, and a clear, unbiased report containing the exact facts, will enable them to punish the guilty and

place the responsibility for official corruption and dishonesty where it properly belongs. The impartiality of the investigation will be one of its chief merits and will inspire confidence and respect for the findings of your honorable body.

THE MONEY SHARK QUESTION

One of the greatest abuses that has been called to my attention is the business of that class of money lenders in our large cities, popularly known as "money sharks" and "shylocks."

These people loan money to needy persons, and exact for its use interest ranging from five to forty per cent a month.

Alluring advertisements, and runners are employed to secure business, and the unhappy victims, sometimes driven by necessity, but more often attracted by the energetic solicitation for business, which the shark employs, borrows a small sum of money, and becomes the slave of the money lender, who dictates his employment and holds him in abject subservience. Three men in St. Louis committed suicide within the last few years because of the persecution of the "money sharks," and the destruction of families and the vassalage of its members continue to grow.

The principal sufferers are the employes of the Railroad and Telegraph Companies. As the money lender works in connection with members of his nefarious calling in other cities, and sends his paper to be collected to states where the law does not watch the interest of the debtor as it does in Missouri, that is, where the debtor cannot take advantage of exemption laws similar to our own. A favorite method is to bring suits in justice courts in the districts back of East St. Louis against men living and working in St. Louis. They garnishee the Railroad and Telegraph Companies in Illinois for a loan made in Missouri, and but in rare cases will they attempt the collection of a claim in this State. It is also their custom to pay employes of the large corporations commissions for soliciting business and collecting money

from fellow-employes, and seem to be well informed through this source of the amount of money due each man, and when it will be paid.

It has been the custom of certain large corporations to discharge men who are garnisheed, without investigating the cause or justice of the garnishment, because of the inconvenience and expense to which they are put by the money lender. In this connection I wish to state that the Western Union Telegraph Company modified its rule covering the discharge of employes who were garnisheed, and its commendable action in giving its men an opportunity to fight their cases in court is having a salutary effect upon the vultures who demand their pound of flesh.

In order to properly deal with these men who prey upon the misfortunes of others, and grow fat upon blood money taken from the poor, I recommend that a law against usury be passed that will provide for a heavy fine and imprisonment, and that its terms be made so broad that evidence can be readily secured to bring about conviction. The custom of sending these usurious notes to a foreign state for collection for the plain purpose of avoiding our exemption laws should be declared a conspiracy, and a punishment provided for it.

COLLATERAL SUCCESSION TAX

I call your attention, in considering the proper subjects of taxation, to the propriety of enacting a suitable tax on collateral successions. Writers on political economy declare that this is the most equitable, fair and just exaction that can be made for the support of government. The property which passes to the collateral relative is devolved upon him by the laws of the State, and it has been held by the courts that it is a legitimate exercise of the taxing power to levy an appropriate exaction for the privilege conferred of receiving such property. Similar laws are in force in many of our sister states, notably, New York, Pennsylvania, Illinois, Montana, and others, and the system is said to work satisfactorily.

The Thirty-eighth General Assembly passed an act upon this subject. The Supreme Court, however, declared the tax invalid for a number of reasons, principally because it was under the wording of the act, held to be a tax upon the *property*, and not a license or excise due for the privilege conferred by the State upon the party succeeding to the property of the deceased. It was further held in that case that a *graded* tax could not under our Constitution be levied in such cases, and also that it must be for a public purpose, and not to aid certain specified classes, as was done in that case in providing free scholarships for specified classes at the State University.

Experience has demonstrated that quite a large sum will be derived from a tax of this character, and a proper law upon this subject will doubtless be upheld by the courts.

I am advised, since the above suggestions were written, that the friends of the State University have prepared a bill for a collateral inheritance tax, a certain part of which is to be used for the University's support. I think the proposed bill is constitutional and meets the objections to the Yeater bill, passed upon by the Supreme Court and if it is enacted into law will have executive approval.

TAXATION OF FRANCHISES

From 1821 to 1865 there was but a single paragraph in the Missouri Constitution concerning taxation, that being Article 13, Clause 19, which provided "that all property subject to taxation in this State, shall be taxed in proportion to its value."

In the 15 Mo. Rep., page 24, the Supreme Court of Missouri, in construing this clause, said: "The clause is evidently mandatory upon the General Assembly, when exercising the taxing power and furnishes a rule not to be departed from. What property shall be subject to taxation is left to their discretion, but when they have selected the

subjects, the rule for assessing the tax is in proportion to the value of the property."

In 1865, however, the people withdrew this autocratic power from the Legislature by the addition of Article 11, Section 15, to the Constitution of that year, which provides that "no property, real or personal, shall be exempt from taxation, except such as may be used exclusively for public schools, and such as may belong to the United States, to this State, to counties, or to municipal corporations within this State." The provision of the old Constitution, Article 13, Clause 19, was also changed to read as follows: "That all property subject to taxation ought to be taxed in proportion to its value."

In 1872, in the case of Life Association of America vs The Board of Assessors of St. Louis County, the Supreme Court of Missouri had these clauses under consideration and decided that "the discretion as to what property should be taxed has been withdrawn by this constitutional enactment from the Legislature, and the Legislature was then expressly forbidden to exempt any property from taxation, except that enumerated in the Constitution."

In speaking on this question, the Court said (49 Mo. Rep. pp. 520-521): "I am not inclined to the belief that this power of commutation exists under our present Constitution. A literal reading of the clauses hereinbefore referred to are surely in opposition to it. The Constitution, by its injunction that no property should be exempt from taxation, and the requirement that it should be taxed in proportion to its value, was framed with the express purpose of remedying a great mischief. It is well known that under the former Constitution the burdens of taxation were often unequal and unjust. Capitalists and corporations were in the habit of getting exemptions, so that a large proportion of their wealth was withdrawn from paying its proportionate share in administering the government, and a corresponding increase was thrown upon those who were least able to pay. The small property-holders, who comprise the great mass of the taxpayers, usually pay their taxes promptly, without

question, and seldom combine for the purpose of procuring any special privileges or exemptions. But capital, grasping and eager, lynx-eyed and vigilant, always ready to reach for profits and shrink from the burdens, able and ready to bring powerful combinations to bear to influence legislative action, will be always ready to take advantage of a construction of the Constitution, which will enable it to shift the burdens it ought to bear on the shoulders of others. It was to avoid this injustice and cut off all opportunity for class legislation that the Constitution made the provision forbidding all discrimination."

The present Constitution of 1875 provides as follows:

Article 10, section 2. "The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly."

Section 4, article 10, provides: "All property subject to taxation shall be taxed in proportion to its value."

Section 6, article 10, exempts the property, real and personal, of the State, and all counties and other municipal corporations, and cemeteries and lots in unincorporated cities or towns, or within one mile of the limits of such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; also property, real or personal, used exclusively for agricultural or horticultural societies.

Section 7, article 10, provides: "All laws exempting property from taxation, other than the property above enumerated, shall be void."

It will thus be seen that the provisions of the Constitution of 1875 have simply strengthened the organic law of the State against exemptions from taxation.

Section 5, article 10, provides that "All railroad corporations shall be liable to taxation on their gross earnings, their net earnings, their franchises and their capital stock."

Section 7510, R. S. of Missouri, 1889, concerning the revenue and defining the terms used in said chapter, provides

that "The term, property, wherever used in this chapter shall be held to mean and include every tangible or intangible thing, being the subject of ownership whether animate or inanimate, real or personal.

Section 7503, R. S. of Missouri, 1889, provides as follows: "For the support of the government of the State, the payment of the public debt and the advancement of the public interests, taxes shall be levied on all property, real and personal, except as stated in the next section."

The next section exempts such property as is exempted by the constitutional provisions heretofore referred to.

It would seem and in my opinion it is true, that the term property, as used in these revenue statutes, would include the franchises of all corporations in the State of Missouri. Some question having been raised as to such proposition and it being true that a great deal of the most valuable part of corporate property is composed of that intangible portion known as the franchises, I, therefore, believe that it would be wise for the Legislature to enact specific legislation on this question, providing for the taxation of that intangible class of corporate property known as corporate franchises.

From the decisions of the Supreme Court above mentioned and the provisions of the Constitution, it is plain that the framers of the Constitution intended that the Legislature should tax all property not exempted by constitutional provisions. The small property owners comprise the great mass of the taxpayers of the State. But in addition to the property tax paid, there is a large number of our citizens who are assessed for taxes on their occupations, and, looking among the revenue statutes, we will find what might be termed occupation taxes imposed on merchants, auctioneers, brokers, agents, manufacturers and many others following industrial pursuits. These taxes are not based on property considerations, but are imposed for no reason except necessity occasioned by need of revenue. These taxes are enforced by means of the criminal provisions of the statutes, which require violators of these provisions to respond with

their persons by the processes of arrest, fine and imprisonment. To this class also of taxpayers must be added the thousands of people in our State upon whom rest the indirect taxes passed from man to man in the shifting changes of business, until at last they land on the consumers of the necessaries of life. These small property owners and toilers in daily work; these men who pay the grocery bills, merchandise, clothing, rent and fuel bills, constitute the great mass of the tax-payers, and they are the ones who are least able to pay.

Certain classes of corporations are also subjected to a tax apparently for the franchise of carrying on their business as, for instance, the insurance companies pay a tax of two per cent upon their business in this State, which tax is paid directly into the State Treasury. If it is thought that these occupation taxes should be imposed throughout our State upon the merchants, brokers, manufacturers and others following industrial pursuits, then I deem it but fair and proper that these legal entities known as corporations, who owe their birth and sole existence to the State government, should be taxed upon the franchises and privileges they have of carrying on their business as corporations, and therefore I would suggest that it would be wise to enact legislation to tax the franchises of the corporations of the State.

As an evidence of this intangible property, known as the franchise, in one of the great cities of this State recently a gigantic corporation has contracted to pay, in round numbers, one million of dollars for the franchise over certain streets in said city.

A STATE AGRICULTURAL FAIR

The question of a State Agricultural Fair is being seriously and earnestly discussed by the progressive element of our farmers. Many other states, not so favorably situated as Missouri for the production of high class agricultural products, and without our famous prize-winning herds of live-stock, that offer successful competitors in the world's

most noted contests, and with revenue not so abundant, have found it profitable to maintain institutions of this character. A State Fair will go far to awaken a slumbering interest, and to benefit the industrial classes along all lines, in stimulating a healthful rivalry in the raising of fine stock and poultry, better and more corn, wheat, rye, oats, barley, cotton, potatoes, etc., to the acre; bigger and redder apples, and in the introduction of improved, up-to-date farming methods, to say nothing of its social and business features.

California appropriates annually $20,000 to her State Fair, and $2,500 to each district fair.

Connecticut gives annually to her State Fair $2,500, and a total of $5,800 to her county and district fairs.

Indiana gave $50,000 for the establishment of the State Fair, and $10,000 annually in payment of agricultural premiums.

Iowa and the city of Des Moines gave $100,000 for the establishment, and $100,000 has been used in the improvement from gate receipts. The State during the last twelve years has given $35,000 for the agricultural premiums, and pays annually $200 to each county society.

Massachusetts gives $20,000 annually to the State Board of Agriculture for the support of agricultural societies.

Minnesota gave $100,000 for the establishment of a State Fair, and $4,000 annually for agricultural premiums.

Maryland gives $5,000 annually for support of agricultural societies.

Maine gives annually $3,650 for agricultural premiums.

New Jersey gives annually $3,000 for agricultural and live-stock premiums.

New York gave $200,000 for establishment of the State Fair, and $22,000 annually for premiums for promotion of agriculture.

Nebraska appropriates $2,000 annually for encouragement of agricultural products.

Ohio gave $300,000 for grounds and equipment of State Fair, and $33,000 annually for agricultural premiums.

Wisconsin gave $50,000 for establishment of State Fair, and $6,000 annually for support.

Rhode Island and Pennsylvania, and other States, make annual appropriations for agriculture and live-stock premiums and the encouragement of agricultural products.

I believe it is $300,000 that Illinois gave to establish her State Fair, and about $20,000 annually for agricultural premiums.

Some of these State institutions have been in existence for more than half a century, and it is believed they have done great good for the State.

Adjutant General Bell recommends that a tract of land be purchased, to be used as the annual camping grounds for the National Guards of the State, and that $10,000 be appropriated for this purpose. It is not unlikely that for the benefit to be derived therefrom, that there are many communities in Missouri which would gladly donate to the State, a tract of land sufficiently large to answer for both the encampment grounds and the fair. The encampment, if held during fair week, would prove a popular attraction and would materially help contribute to the success of the fair. This matter is well worth your most careful and earnest consideration.

TRUSTS AND MONOPOLIES

In this age a social existence apart from commercial privileges is almost inconceivable.

Society itself is a compact between its members; and such compact is the basis, the referendum of the innumerable subsequent contracts and commercial transactions by which in part the social state is perpetuated.

"Therefore, the right to trade freely with his fellows, whether of the same political sphere or in the widest sense is as much an inalienable and absolute right as the privilege or removing from place to place."

But of course this right of commercial exchange must be subject to such abridgment as is warranted by considerations of public policy.

The Legislature of our State has deemed it proper to announce, by the enactment of the anti-trust law, the public policy of Missouri to be to restrain combinations, to prevent competition in legitimate business.

A proviso was inserted in said law exempting insurance combines in cities of 100,000 inhabitants from the operation of said law.

Insurance combines to control rates are forbidden by the same act in the interior of the State. I think the same law should apply to the city as to the country.

I believe if it is made illegal to combine to control rates in the country in towns like Springfield, Joplin and St. Joseph, it should be illegal to do so in Kansas City and St. Louis.

The law as it stands operates to give fire insurance corporations, doing business in St. Louis and Kansas City, a special exemption and privilege not given insurance companies doing business in Moberly, Hannibal or elsewhere in the State, to wit: The right and privilege in said cities of 100,000 inhabitants or over of combining to control insurance rates and without being subject to the penalties provided in the anti-trust law.

In other words, if lumber merchants, wholesale dry goods merchants or millers, or individual underwriters or marine or accident insurance companies combine to maintain and control prices in Kansas City or St. Louis an offense is committed, but if fire insurance companies so combine no offense is committed because the law referred to exempts them.

I regard this as contrary to our public policy, as I understand it, which is that all must have the equal protection of the law. Unequal, partial and discriminatory legislation which secures rights to some favored class or classes and denies it to other, is contrary to the spirit and safety of our institutions.

While corporations, in the line of their corporate powers, should have equal rights and privileges with natural persons, yet they should have no more.

As has been well said: "When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power."

The first official action of this nation declared the foundation of government in these words: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness."

While such declaration of principles may not have the force of organic law, or be made the basis of judicial decisions as to the limits of right and duty, and while reference must be had to the organic law of the State and national constitutions is but the body and the letter of which the Declaration of Independence is the thought and spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of Independence.

Special privileges and arbitrary legislative favoritism got their first footing through the silent approach of exemptions from the operation of general laws, and the usual burdens imposed thereby on the mass of citizens.

The trust is organized to control the market and control it without opposition.

It is no sufficient answer for the trust to say that competition is not entirely destroyed or that prices have not been unreasonably advanced by the formation of the combine. The sound, safe rule of public policy should not stop to inquire as to the degree of injury inflicted upon the public; it is enough to know that the inevitable tendency of such combinations is injurious to the public.

Legislation of the kind above referred to enables trusts to thrive instead of restraining them.

It invades and violates the rule of equality before the law.

Equal privileges and equal burdens and restrains for all should be the rule of public policy.

It is admitted that under this proviso in the statutes an insurance trust exists in Kansas City and St. Louis.

A trust is only organized to do away with competition. Without that result it is a failure; with it a success.

Can there be permanent combinations in all lines of business, and is competition to disappear?

Will the people acquiesce in it, or will they put down the combination? I believe that trusts and monopolies must be abolished.

Therefore, I recommend the repeal of the proviso of the anti-trust law exempting fire insurance companies in cities of 100,000 inhabitants or over from its operation and effect.

I believe the same national characteristics which sustained Jackson in his overthrow of the old United States bank can be relied upon to deal successfully with the modern trust.

DEPARTMENT STORES

In connection with the "trusts and monopolies" I desire to call your attention to the large department stores in the cities of St. Louis and Kansas City.

It is held to be by many of the prominent citizens of St. Louis and Kansas City that they are detrimental to the best interests of the people of the State, effecting as they do the great majority; and as legislation is for the purpose of conferring the greatest good to the greatest number, you should correct these evils, if evils they are found to be. Arguments have been presented to me to show that these department stores, in the cities of over 100,000 inhabitants, are ruining the small dealers in the country towns as well as in the cities. They are building up a great combination of goods under one roof and depriving the smaller dealers of their legitimate profit, and are forcing them out of business altogether.

This is not a subject which I have given, as yet, much thought. I simply desire to call your attention to it.

ROAD IMPROVEMENTS

The question of road improvement should, and will, I am sure, engage your earnest consideration. Neglect of our public highways in the past has occasioned untold inconvenience, retarded a development of the State, and has proved costly. A great diversity of opinion as to necessary action has heretofore prevented the Legislature from reaching a satisfactory conclusion, but the importance of improved public highways to a full development of the State's agricultural and industrial pursuits, suggests that prompt and efficient action should not be further delayed.

The present law has not given satisfaction. Its multiplicity of provisions are not understood; many are inoperative and some are colossal failures. Road improvement has not been commensurate even with the revenues expended. Poll tax paid in labor, as under the present law, yields but slight returns and cannot be depended upon for highway improvement. The injudicious expenditure of road funds is the rule rather than the exception. In only a few instances has any system been adopted looking to permanent improvement. Generally speaking, the roads are badly located, no grades have been established, no underdrainage of the road-bed has been provided for and the surface drainage, if any, has been crudely and imperfectly done. Culverts are temporary make-shifts, bridges are cheap and dangerous structures, all indicating that the advice of a competent engineer is a necessity in economical and successful road construction, and that the work should be directed by a skilled road builder. The road laws should be revised and simplified. All revenues for road purposes, both poll and property tax, should be paid in cash.

When a system is perfected for the economical and judicious expenditure of the present available revenues, the people will promptly respond to any reasonable demand for increased road taxes necessary to material and permanent improvement.

CARE TO BE EXERCISED IN THE ENACTMENT OF LAWS

It is hardly necessary to suggest that care should be exercised in the enactment of laws to a legislative body, but to illustrate the force of this remark, I have but to direct the attention of the General Assembly to the history of the legislation of the last ten years, and the constitutionality of the statutes when called into question in the court of last resort of our State.

From January 1, 1888, to January 1, 1899, there has been submitted to our Supreme Court for construction on the grounds of unconstitutionality 87 statutes enacted by the General Assembly, and of that number 29 have been declared unconstitutional and 58 have been held constitutional, or in other words, 33 1-3 per cent of all the statutes whose constitutionality have been called into question, have been declared unconstitutional by our Supreme Court.

A great many of these statutes, as originally introduced were no doubt Constitutional and as originally framed by the legislators, would have stood the test of the courts, but when a statute is offered that affects any particular interest, or if thought to be in the least burdensome upon some corporate interest, some representative of that special interest will appear before a committee and suggest some amendment which looks harmless on its face, but when subjected to a legal analysis by the courts, discloses that it renders void and inoperative the entire enactment. This is one of the evils of legislative proceeding that should be closely guarded against.

ELECTIONS

There is no subject which will come before you of more vital importance to the people than that pertaining to the elections. The recent decisions of the courts, and the experiences of the officials in administering the present laws, and the complications in reference to the manner of voting by the electors, imperatively demand a revision of the registration and election laws in our State, including those pertaining to

primary elections and to nominations of candidates for public office. This is more especially true as applicable to the cities of the State, where the difficulties of restraining the lawless and of giving complete effect to the wishes of the rightful electors are greater than is generally to be found in the rural districts, where every man is known to his neighbors. It is not my purpose to point out now the intricacies and confusion that exist under our present regulations. Your own experience will suggest many cogent reasons for the repeal of the present system and the substitution of some simpler plan which can be readily understood by the people and the election officials, and which will more completely protect the rights of the innocent, and guard against the unlawful practices of evil disposed persons. I am not wedded to any particular plan, except that it shall be such as shall thoroughly accomplish the desired ends above indicated.

No government can long withstand the inroads of fraud at elections. All good people, of whatever political faith or creed, are interested in having the will of the majority fairly expressed and honestly recorded. Voting should be made easy, plain and simple. Frauds at elections should be made as nearly impossible as may be, and punished so severely as to deter those who fail to appreciate the prerogatives accorded to freemen by our form of government. There should be no partisanship in such matters. The party in power in this State has always endeavored to legislate toward this desirable end, and that it has not succeeded in accomplishing all it intended is because we are but human. It will never weary of well doing, and will never rest until it has enacted a law that shall be pointed to as the model election law of the United States. To this end I invite your careful and earnest attention and endeavor.

PUBLIC SALE OF FRANCHISES

This is a subject which should receive your attention and a proper statute enacted upon the subject. Valuable franchises in the various cities of the State, and from which

the public should derive considerable revenues, are frequently given away, or the public interest in them sacrificed without any adequate compensation. The act of the General Assembly, popularly known as the "Julian Law," was held defective by the courts, but the principal which the bill was intended to embody is unquestionably right. Franchises should be disposed of at public competition wherever possible, rather than be granted as mere matters of private favor. This should receive the attention of the law-making powers of the State at as early a date as practicable.

CRIMINAL COSTS

The question of criminal costs is one that is constantly before us and which will not "down at our bidding." It deserves, and should receive, your most careful consideration.

Our increasing population and the development of our State and its resources will necessarily cause the expenses of the government to be greater than in the earlier years of its existence. I do not think that any permanent good will be accomplished by attempting to reduce the expenses arising in the efforts to punish crime by cutting off fees in one place and reducing them a little in another. Neither will the people receive any relief by casting the burdens upon the counties if the same expenses have to be paid. A careful inspection of the schedule of fees paid by law for services of clerks, sheriffs, jailers, jurors, etc., will, I believe, convince you that the "compensation" is now as low as it can be to secure prompt and efficient enforcement of the criminal laws.

It seems to me that a radical change can be made with profit to the Treasury of the State, and of the various counties, and without doing injustice to persons accused of crime. I would not advise that the slightest safeguard which the law has thrown around the citizen should be removed. The question of expenses should never be allowed to interfere with the just, fair and impartial trial of one who

is called to the bar of our courts to answer to a criminal charge. Yet, unnecessary and useless expenditures, in mere formalities, should not be permitted. In homicides, the statutes provide for four separate and distinct investigations, and in each instance the same witnesses may be called and the same evidence rehearsed, and the expenses thereby greatly increased. We have a coroner's inquest, in which witnesses are called to give their testimony and an investigation is had; next follows the preliminary examination, and the same matter may be again gone over; the grand jury then takes up the investigation and calls before it parties who may have given their evidence on the two former occasions; and at the conclusion of this investigation the party confronts the jury in the trial court, and the matter is heard once more. I see no reason why it will not be wise and proper to provide for the prosecution of criminal offenses, both felonies and misdemeanors, by information or indictment as concurrent remedies. It has been held that one accused of crime, although recognized to appear for trial before the circuit court, is not bound to appear for trial until after an indictment is preferred against him. It is a matter of common information that this nearly always results in a continuance of the case where the accused desires it at the first term of court, namely, the one at which the indictment is returned. This prevents a speedy trial in many instances, and the delay, in addition to the investigation before the grand jury, entails added costs. If the prosecuting attorney could file his information in felonies, as may now be done in misdemeanors, the case could be docketed within a short time after the offense was committed. The party would then have ample time to summon his witnesses and be ready for trial when the matter may be reached upon the docket. There would then be no excuse for delay on the ground that he did not know that an indictment would be presented against him, and hence was under no obligations to be prepared therefor. The grand jury performs an important work, and should not be abolished. There are many cases where an investigation should be had by such a body. It is

a well known fact, however, that in numerous others there is no necessity for any such action. There are very few instances in which a prosecuting officer would file an information against a citizen when the grand jury would refuse in such a case to return a bill. It is oftener the case that the grand jury investigates and puts on foot a prosecution which ought to be conducted, but which would not be done but for its intervention. I do not think that any substantial safeguard which the law in its humanity and wisdom has thrown around the citizen accused of a criminal offense would be sacrificed by such a change as is here contemplated. I do think that the costs of prosecutions and the well known delays in criminal cases, which the courts are unable to prevent, would be lessened by the method of procedure suggested. I do not believe that any mere temporary makeshift will accomplish material good in the way of reducing the fast increasing costs which the State is compelled to pay. The remedy which I have indicated will require a change in the Constitution. The object to be accomplished will certainly warrant such action, and the sooner that it is considered, acted upon and brought about, the better it will be for the people of the State.

CONCLUSION

This concludes my first biennial message. Appreciating the responsibilities which rest upon the Chief Executive of a State with a population of over 3,000,000 inhabitants, with so many diversified and conflicting interests, I submit it to you, gentlemen, conscious of its many defects, and of my inability to handle skillfully and satisfactorily, all matters of which it treats.

In my every official act, since I assumed the responsibilities of the exalted position to which my countrymen have called me, I have remembered that, in a measure, I was the guardian of the character and dignity of our beloved Commonwealth, and have—invoking always the aid of the Divine Master, the source of all wisdom—been guided by a desire

to honestly and conscientiously do the right—for right's sake—whether popular or not; how far I failed or succeeded time will testify. I ask for your continued confidence, sympathy and support.

Reports of other State officers, boards and institutions, will be presented to you in full, which you will, of course, carefully consider. You will find all officers make creditable showings, and that their respective duties have been discharged economically and well.

It is my desire to co-operate with you at all times, and contribute my humble mite toward making the work of this General Assembly honorably conspicuous in the legislative history of Missouri, and I trust our relations may be harmonious, pleasant and profitable. We will not forget that we have sworn to faithfully and impartially discharge our duties; that we are not here as the representatives of any especial interest, class or section of the State, but as the representatives of all interests, classes and sections; and as trusted and honored servants of the people whose eyes are upon us, let us act fearlessly and conscientiously for the furtherance of whatever in our judgment we think may prove the highest good for the whole State.

It matters not how at variance our views may be upon political questions, we must remember that we are all Missourians, and be guided by a spirit of manly fairness and charity for the opinions of each other.

Let it not be the *volume* but the *merit* of the laws enacted, that will prove the wisdom of our proceedings. No honest legislator will lose sight of the solemn fact that he is not only laboring for the present, but for the good of the millions to follow him. Wise economy should be the watchword. But "wise economy" does not mean niggardly appropriations for certain interests and loose and lavish appropriations for others. Men interested in the success of all institutions, men of affairs and experience, and without prejudice, should be placed in possession of the important committees.

Public interests should be separated from private interests. The legislator who comes here with bitterness in

his heart, to promote selfish ends, is an enemy to good government, and should be watched and not trusted.

You should appreciate the importance of beginning upon the real work of the session at once. Too often the first weeks are frittered away and lost in idleness, and in the rush of the closing days, with much to do, the lobbyists deceive us and secure their triumphs, at our own mortification and to the expense of the public. The Executive, to act intelligently, should have the laws passed before him for his approval or disapproval as early in the session as possible. He should be given ample time in which to consider them.

I trust your stay in Capital City will be pleasant without interruption, and your labor will prove a labor of love, which will redound to your honor and glory, and to the honor, glory, happiness and general prosperity of a free, independent and liberty-loving people; and my prayer is, that you may return to your respective homes, which God will, I hope, protect and bless in your absence, after your work is at an end, with clean hands and honest hearts, with the proud satisfaction of having discharged your duties as your judgment at all times dictated and as your conscience approved.

[LON V. STEPHENS]

SECOND BIENNIAL MESSAGE

JANUARY 4, 1901

From the Journal of the Senate, pp. 10-76

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, January 4, 1901.

Gentlemen of the Forty-First General Assembly:

The administration of which I have been a part, having now reached its close, it becomes my duty and pleasant privilege, to submit, as briefly as possible, by direction of the Constitution of the State, for your consideration, a summary of the material facts in the history and operation of the various departments of the State, accompanied by such recommendations as may seem pertinent to the well-being of the public, and the honor and prosperity of the Commonwealth.

I desire to extend to each of you a sincere and affectionate welcome to the scenes of your labors. We have met under most favorable auspices. But few, if any, of the States in the Union are prospering to a greater extent. No State has a brighter future, and offers greater inducements to men of brain, heart and capital. Our great Commonwealth is filled with a larger population than belonged to our whole country when our fathers won national independence, and we can look back over the seventy-nine years of statehood and see the humble industries of the pioneers grown to the many diversified industries which have made Missouri the eighth State in wealth, as we are fifth in population and in political power in our great Union, with the future yet full of greater promise and reward.

We review four years of plenty, as mine and forest and pasture, field and orchard have liberally responded to intelligent labor. We have been graciously preserved from famine and pestilence, from fire, flood and tornado. Our own, in common with our sister States, has largely shared in the

bounties of nature which have marked this period. Our churches and schools have multiplied with the expanding population. The heart of the youth of our State has shown itself sound and true to the aims and purposes of our national life, when a most righteous and chivalrous war was waged in behalf of an oppressed people, and which war was carried forward to a swift and noble triumph. Our common inheritance in the universal bounties of nature, made up of air and light, rain and sunshine, smiling fields, flowing streams and richly stored mines, has not failed us.

That the citizens of Missouri have within the past years given to the cause of education amounts of such magnitude as to excite the attention of the world, is also cause sufficient to thrill the hearts of all our people. We have every reason for being grateful and happy, and none for being discouraged or depressed.

FINANCES

CASH BALANCES

On December 31, 1896, we had cash balances in the State Treasury of $577,463.65, as follows:

Funds.	Balance Dec. 31, 1896.
State Revenue Fund	$122,517 10
State Sinking Fund	106,997.49
State School Fund	1,538.77
State Seminary Fund	1,298 91
State School Moneys	186,109 20
State Seminary Moneys	34,565.10
Insurance Department Fund	41,723.48
Executors' and Administrators' Fund	36,661 80
Earnings Missouri Penitentiary	1,722.92
Road and Canal Fund	3,274 71
Colored Institute Fund	24.92
Lunatic Asylum No. 1 Fund	8,607.32
Lunatic Asylum No. 2 Fund	12,473.29
Lunatic Asylum No. 3 Fund	6,556.05
School for Deaf and Dumb Fund	183.85
Reform School for Boys Fund	5,518.33
Industrial Home for Girls Fund	6.46

Funds.	Balance Dec. 31, 1896.
Partition Fund	$4,606.90
County Foreign Insurance Tax Fund	919.12
State Bank Inspection Fund	321.47
Building and Loan Supervision Fund	1,835.86
Total	$577,463.05

The total receipts into the Treasury from December 31, 1896, to January 1, 1901, were $24,618,881.65; the total disbursements in the same time were $24,117,413.17; leaving balances in the various funds in the Treasury, January 1, 1901, as follows:

Funds.	Balance Jan. 1, 1901.
State Revenue Fund	$179,222 19
State Sinking Fund	217,323 45
State School Fund	973.40
State Seminary Fund	2,482.06
State School Moneys	186,990.00
State Seminary Moneys	39,482 46
Insurance Department Fund	50,504.96
Earnings Missouri Penitentiary	80,400.36
Road and Canal Fund	854.68
Swamp Land Indemnity Fund	2,325.45
Colored Institute Fund	87.10
Lunatic Asylum No. 1 Fund	8,041.60
Lunatic Asylum No. 2 Fund	9,389 40
Lunatic Asylum No. 3 Fund	5,096 23
School for Deaf and Dumb Fund	378 49
Reform School for Boys Fund	3,287 51
County Foreign Insurance Tax Fund	258,258 57
State Bank Inspection Fund	5,905.43
Building and Loan Supervision Fund	2,647.51
Federal Soldiers' Home	934.62
State Fair Fund	495 00
Escheats Fund	23,851.06
Total	$1,078,931.53

Our finances continue in a most healthy condition. It will be noted that there is in the "Sinking Fund" $217,323.45, which can be used for the payment of bonds alone, and I recommend that an appropriation of $200,000 be made as early as possible for the extinguishment of a like amount of our outstanding interest-bearing bonds.

The books of the State Treasurer show that during the present administration $77,240.54 has been collected from the State depositories in interest upon daily balances, which has been placed in the Revenue Fund. The amount is more than enough to pay all the expenses of the office of the State Treasurer during the last eight years.

State revenues are derived from a tax of twenty-five cents on the $100 valuation, levied upon real and personal property, of individuals and corporations, from license taxes, tax on premiums received from foreign insurance companies, on merchants and manufacturers, and express companies, interest on balances with our State depositories, an incorporation tax, notarial fees, and from sundry minor sources.

The estimated receipts for 1901 and 1902 will not vary greatly from receipts during 1899 and 1900. The approximated amounts required to meet ordinary expenses of the State Government for the next two years will be about $4,750,000. The Auditor's Annual Report will give requirements in detail.

STATE BONDED INDEBTEDNESS

On January 1, 1897, when I entered upon the duties of my office, the bonded indebtedness of the State was as follows:

Nine hundred and twenty-seven 3½ per cent. option bonds, dated March 1, 1887, due March 1, 1890, redeemable after March 1, 1892	$927,000.00
Four hundred and thirty-six 3½ per cent. option bonds, dated July 1, 1887, due July 1, 1907, and redeemable after July 1, 1892	436,000.00

Seven hundred 3½ option bonds, dated October 1, 1887, due October 1, 1907, redeemable after October 1, 1892	$700,000.00
Two thousand, nine hundred and thirty-seven 3½ per cent. option bonds, dated January 1, 1888, due January 1, 1908, redeemable after January 1, 1893	2,937,000 00
Total bonds, drawing 3½ per cent. interest...	$5,000,000.00

Under the requirements of the State Constitution, $250,000 at least of the principal of our interest-bearing bonds are to be extinguished annually. During 1897 and 1898, the first two years of the present administration, the bonded debt was reduced $1,358,000. During 1899 and 1900, the last two years of the present administration the bonded indebtedness was reduced $1,755,000. The total reduction being $3,113,000, which means a saving to the State of $108,955 annually in interest charges alone. This leaves the bonded debt outstanding January 1, 1901, $1,887,000, drawing three and one-half per cent. interest, payable at the option of the State.

It will be observed that $2,113,000 more of our bonds have been redeemed during this administration than were required by the State Constitution.

In my biennial message to the Fortieth General Assembly, under date of January 5, 1899, referring to the bonded indebtedness, I said: "The real debt of the State is, therefore, insignificant, in proportion to our assessed valuation, and while it may not be entirely extinguished during the present administration, I see no reason why it can not be paid off within the early days of the succeeding one."

I see no reason now to change my view then expressed, and confidently believe every dollar of our interest-bearing bonded indebtedness will be paid off by January 1, 1903.

CERTIFICATES OF INDEBTEDNESS

Besides our bonded indebtedness, which amounts to $1,887,000 and draws three and one-half per cent. interest,

payable semi-annually, we have outstanding "Certificates of Indebtedness" belonging to our "School Fund," amounting to $3,158,000—of which, $2,909,000 draw six per cent. interest and the balance five per cent. interest; and $1,235,839.42 "Certificates of Indebtedness," belonging to the "Seminary Fund," drawing mostly 5 per cent. interest—making the total State debt at this time $6,280,839.42, as compared with $9,369,839.42, January 1, 1897—being a net reduction of $3,089,000. While as stated before, the bonded debt has been reduced $3,113,000, the Certificates of Indebtedness have been increased $24,000.

Much has been said and written in the heat and excitement during the late political campaign concerning these "Certificates of Indebtedness," by unfriendly speakers and editors, with which you are familiar. But the fact remains that our School and Seminary Funds are *intact*, legally and properly invested, and they should not be interfered with. The transactions resulting in the sale of United States bonds, which formerly constituted these funds, and the investment of their proceeds in our own securities, are in accordance with the Constitution of Missouri, and show excellent judgment on the part of all interested, and assure us of the best possible interest returns, and the prompt payment of the principal, whenever same is desired.

PENITENTIARY

Never before in its history, has the Penitentiary been so successfully managed as during the last four years by Warden J. D. Starke. This is admitted by all who have given the subject any attention whatever. The Legislature of 1897 appropriated for it for the biennial period ending January 1, 1899, the following sums of money:

For completion of new cell building	$50,000.00
For erection of new shop building	30,000.00
For purchase of new dynamo	5,000.00
For purchase of books for library	1,000 00
For pay of salaries of officers and ordinary repairs	80,000.00

Of the $50,000 appropriated for completion of the new cell building, only $29,545.18 was found needed and expended, and $20,454.82 was left in the State Treasury.

Of the $30,000 appropriated for the erection of the new shop building, $26,159.82 was expended, and $3,840.18 remained in the State Treasury.

The appropriation of $1,000 for the purchase of books for the library was exhausted.

Of the appropriation of $80,000 for salaries and ordinary repairs, $19,562.45 was expended for repairs, and $43,476.71 for salaries, making a total amount of $63,089.13 drawn from this appropriation.

January 1, 1899, there was a balance in the State Treasury to the credit of Earnings $56,555.45. The Legislature of 1899 appropriated $80,000 for salaries and repairs, $1,500 for lighting State buildings and grounds, $1,500 for the erection of a fire-proof vault, and $500.00 to be paid out of the earnings, for the support of the institution.

Seven thousand four hundred and fifty dollars were drawn from the appropriation of $80,000 to pay salaries for the month of December, 1900, and $72,550 remains in the State Treasury.

There was a balance in the earnings January 1, 1901, of something over $83,000. From this amount deduct the expenses for the month of December, 1900, $11,000, and $7,450 pay-roll for December, drawn from the appropriation for salaries and repairs, and there remains a balance of $64,550. From these figures it will be noted that the Penitentiary has paid all expenses for 1899 and 1900, and has a balance in excess of amount on hand January 1, 1897, of $7,995. From this deduct $1,452.28, expended for lighting State buildings and grounds, and $1,424.72, expended for erection of fire-proof vault, and there still remains a balance of $5,119.

The Penitentiary has not cost the taxpayers of the State one cent for anything during the last two years, and has made a net grain of $5,119.

This record is unprecedented in the history of the institution, and has been made notwithstanding the fact that by reason of advance in prices of all supplies used, the expense has been increased over $50,000 during the years 1899 and 1900. Fuel and meat alone cost $40,000 more in 1899 and 1900 than in 1897 and 1898. Stripes have advanced 25 per cent., glass 75 per cent., nails 50 per cent., lumber 33 per cent., steamfitter's supplies 100 per cent., steel 75 per cent., iron 50 per cent., and all other supplies have advanced in proportion, because of the growth of trusts and the lack of competition.

A new cell building for the female convicts is absolutely necessary and should not be longer delayed. Fifty thousand dollars will be asked for and should be appropriated for this purpose. A new hospital should also be erected at the earliest possible moment.

Today, December 24, 1900, there are confined in the Penitentiary 2,081 prisoners, of whom 2,012 are males, and 69 are females. The records show there were 2,226 prisoners in January, 1897. I account for the falling off, because (1) of the parole law enacted by the last Legislature; and because (2) of the prevalence of smallpox in many portions of the State, necessitating a strict quarantine at the Penitentiary and the refusal on the part of the Warden to accept at present new prisoners; and because (3) many of the younger criminals are being sent to the Reform School for Boys at Boonville, Missouri.

Fifteen hundred and fourteen of the male convicts are being worked by the contractors, at fifty cents per day, from which source the State receives daily $757. Twenty-five of the females are employed at thirty cents each per day. Of the remainder, many are at work at the prison, a few are in the hospital, while some are incapacitated because of lameness and infirmities of various descriptions. It is seldom any are idle for any great length of time.

DEPARTMENTS OF STATE

THE STATE INSURANCE DEPARTMENT

At the opening of my administration in January, 1897, the State Insurance Department was located in the City of St. Louis. Believing that the business of this department and the interests of the people of the State would be better subserved by the removal of the department to the Permanent Seat of Government, on January 15, 1897, I sent a special message to the Thirty-ninth General Assembly advising and urging, among other matters, that this change of location should be made, and subsequently during the session the necessary legislation was effected and the department was removed to Jefferson City.

The experience of the officials charged with administration and performance of the business and work of the department since its location in the Capitol have fully established the propriety of the change. No public interest has suffered by the removal, and all the business of the department, increasing and extending each year, has been attended to and discharged in the most prompt and careful manner.

Since its removal to Jefferson City, the people of the State generally have come into much closer communication with this office as is fully shown by the fact that the correspondence of the department with the citizens of the several counties and smaller towns has far more than doubled, and the department has been able to render very efficient and useful service to hundreds of people who, so long as it was located in St. Louis, had never thought of making complaints to or inquiries of the office about insurance matters.

Since the beginning of the year 1897, the jurisdiction and authority of the State Insurance Department has been enlarged and extended by legislative enactment so as to include both "Fraternal Beneficiary Associations" and "Town Mutual Fire Insurance Companies." These two classes of insurance organizations have added largely to the

work as well to the responsibilities of the department, and have at times taxed the ability of the present official and clerical force of the office to the utmost in order to properly discharge and perform their duties with that promptness and care which should mark the discharge of all public trusts.

The development of this department and the increase in the amount of work done in the office, at an actual decrease of expense, and the very great increase in the receipts of the department, which are all paid into the State Treasury, can be best illustrated and shown by a few tables of figures giving such exhibits. The amount realized to the State from the two per cent tax on gross premiums collected in Missouri by foreign insurance companies for the years 1895, 1896, and 1897 was $653,393.95. This tax returned for the years 1898, 1899 and 1900, $750,071.40, being an increase in the amount of these taxes paid into the State Treasury in the last three years over the prior period of three years amounting to $96,677.45.

The sum total of the official fees collected from the several insurance companies doing business in the State during the years 1895, 1896, and 1897 was $88,204.49, and the amount of similar fees collected during the years 1898, 1899, and 1900 is $123,144.02, showing an increase of fees collected amounting to $34,939.53. The total expenditures of the department during the years 1895, 1896, and 1897 was, including salaries, $50,146.43. During the years 1898, 1899, and 1900, the total expense of the department has been $48,301.09. Showing a decrease of expenditures amounting to $1,845.34.

In the last Annual Report of the Insurance Department, submitted on May 1, 1900, Superintendent Orear makes the following statement:

"The work of the department has now become so onerous that it will be impossible for the present force to properly perform and discharge it. An increase of the force is absolutely necessary, and I therefore recommend and urge that provision be made for the employment of one experi-

enced clerk and accountant and skilled statistician, and one additional stenographer, the salaries of these two employes to be paid as other clerks of the office out of the receipts of the department."

I cordially indorse this recommendation for an increase in the force of this department and believe it is necessary for the proper and efficient dispatch of public business.

BUREAU OF LABOR

Hon. Thomas P. Rixey was appointed as Commissioner of Labor to succeed Hon. Arthur Rozelle, whose term expired on the first Wednesday in February, 1899.

Since the adjournment of the Fortieth General Assembly, the Twenty-first and Twenty-second Annual Reports of the Bureau of Labor Statistics and Inspection have been published to the number of 3,500 copies for each year. During 1899 and also the past year the Bureau published an elaborate map showing the character, amount and current value of the commodities marketed during the preceding year by each of the counties of the State.

The Bureau's Twenty-first Report, for the year 1899, contained chapters devoted to manufactures, prison factories, proposed remedy for competition of prison labor, wage schedules of prominent industries, free employment offices, strikes and lockouts, digest of Missouri Labor Laws and numerous judicial decisions affecting labor, and a series of measures suggested for remedial legislation.

The Twenty-second Report, besides considering most of the foregoing subjects, presents a series of able papers on the subject of manual training and industrial education, and devotes chapters to our State institutions, "script" payment of wages, and a resume of the St. Louis street railway strike, the latter subject being supplemented with an earnest appeal for the enactment of a comprehensive arbitration law.

The operation of the free employment offices established by the Bureau in St. Louis and Kansas City, in obedience to enactment by the Fortieth General Assembly,

has resulted in finding employment, during the year ending October 1, for 6,186 deserving persons who thus became self-supporting. The law under which these employment offices operate provides for their location in all cities of the State having 100,000 inhabitants, and as the report of the twelfth census shows that St. Joseph has a population in excess of that number, that city is entitled under said law to a free employment office—for which adequate provision should be made.

The reports of the Labor Bureau have repeatedly called attention to the necessity for more stringent and general factory inspection, and the providing of means for encouraging immigration, which subjects are worthy of earnest consideration. The Bureau reports for the past several years have devoted attention to the Government lands remaining within this State and have disseminated much information relating thereto. During the year ending June 30, 1900, about 107,000 acres of these lands were taken up, thus increasing our population and taxable wealth. The settlement of the thousands of acres of vacant lands yet available for homes in Missouri is of sufficient importance to warrant a reasonable appropriation to enable the Immigration Board to become operative. The attention which the World's Fair will direct toward Missouri could thus be probably utilized.

BUREAU OF BUILDING AND LOAN

The condition of the Building and Loan associations of the State indicates that about all the associations now doing business are in a prosperous condition. Since the establishment of the Bureau of Supervision much has been done to correct disreputable and illegal methods in the promotion of the business. The number of associations has been considerably reduced, but as many of them had been conducted wholly in the interests of the officials, with little or no consideration for the stockholders, their elimination is a public benefit.

The report on all the associations in the State, numbering 175, made August 31, 1900, indicates but one insolvent; seventeen have retired by liquidation, one by assignment, two associations have organized and three reorganized since the Supervisor's last report. The surplus of money in the country which has created a low rate of interest has somewhat militated against Building and Loan business, but those interested have gradually adjusted themselves to present conditions; therefore the business outlook is fairly encouraging. For the year ending August 31, 1900, the resources of all the associations in the State have fallen off $2,387,422.10 as against $4,419,369.10 in 1899. There is a weakness in the law relating to Building and Loan supervision in that it is not clear just what the Supervisor's powers are with reference to insolvent companies. Considerable litigation has been caused by officers forcing an assignment when it became apparent that their affairs were in such condition as would necessitate the Supervisor calling for a receiver. In a number of instances the officers who, through excessive expense and careless business methods, have wrecked their associations, made an assignment and had some one of their number appointed as assignee. This is no relief to the stockholder as the same persons continue the management and draw fat salaries without, in the least, considering the interests of those they are supposed to protect. I would suggest legislative enactment placing insolvent associations in the hands of the Supervisor for final liquidation—a law similar to that governing insolvent insurance companies and banks. He should be allowed the necessary expense for clerical help and such other expense actually incurred in winding up its affairs.

It becomes my painful duty in this connection to announce the death of the former Supervisor of Building and Loan Associations, Hon. Henry L. Gray, which occurred in Jefferson City, June 26, 1900. Mr. Gray was a master of the subject, and was always thorough and fearless in the discharge of his duties. He was honest and courageous, and had the good-will and the confidence of the people of

Missouri, his native State, who were deeply grieved at his death.

In his place Hon. W. R. Baskett of Paris, Missouri, was named by me. I feel that no better man could have been found. For several years he was associated with Mr. Gray in the Building and Loan Department, and is recognized as one of the best qualified men in the State for this peculiarly intricate work.

STATE BOARD OF HEALTH

The State Board of Health has registered during the past season 1,000 physicians, granted certificates to 30 who have taken the examination of the Board, and issued certificates to 25 midwives.

The State prison has been quarantined because of the general prevalence of smallpox throughout the State. While the quarantine was modified slightly at the April, 1900, meeting of the Board, they thought that after January 3, 1901, it would be best to again close the prison until May 1, or such time as there would be no danger from infecting the prisoners. If necessary funds were placed in the hands of the Board it is believed that smallpox could be eradicated in six months, or less, but as it is, the disease is spreading all over the State, and along the lines of travel. Those counties that are unprovided with railroad facilities are scarcely affected at all, unless there is a lumber or mining camp in them.

Four years ago the Board asked for $10,000 as an emergency appropriation to take care of this epidemic; and two years ago they made the same request. I heartily recommend that you appropriate to the use of the State Board of Health a sufficient sum of money as an emergency fund, to destroy this epidemic. This will enable the Board to personally manage the cases of smallpox, and to reimburse the unfortunate poor whose beds and clothing are destroyed in the process of fumigation. In my judgment to refuse appropriation now of amount recommended by the Board would be positive crime.

STATE BOARD OF AGRICULTURE

Your attention is called to the magnitude and importance of the work assigned to the State Board of Agriculture and the necessity for liberal appropriations for developing the agricultural resources of the State and stimulating live stock husbandry.

This Board is charged with formulating and with the enforcement of live stock quarantine regulations, with the enforcement of anti-butterine laws, the collection of agricultural statistics, the holding of farmer's institutes for the dissemination of agricultural information, and the management of the State Fair, while in other states these several matters are directed each by a separate and distinct board and at an aggregate cost largely in excess of appropriations made for similar purposes in this State.

During my administration the work of the Board has been directed with much energy and the results have been satisfactory. Southern cattle quarantine regulations have been so effectively enforced as to protect the cattle industry of this State and at the same time under a system of cattle inspection permitting the freest possible movement of cattle from scheduled territory. Upon inspection many thousands of southern cattle have been admitted annually to the feed lots and pastures of Missouri farmers for the profitable consumption of the products of their fields, and so thoroughly and efficiently has this work been done that not a single outbreak of Southern fever has occurred from inspected cattle. The State line has been protected against the illegal introduction of Southern cattle to the extent of funds available for that purpose. The high character of the work done in this direction has been recognized by the United States Department of Agriculture in making the Missouri line the boundary of scheduled territory, to the relief of a number of Missouri counties heretofore included in permanently affected territory; in recognizing State permits for the introduction of Southern cattle and in co-operating with

Missouri authorities to prevent violation of quarantine regulations.

Valuable experiments conducted by the Board in cooperation with the Agricultural College Experiment Station have demonstrated the means of communicating Southern cattle fever and a successful method of inoculating native cattle against this disease, whereby Missouri's improved herds may be rendered immune and may be transported to infested territory, covering about one-third of the United States, with comparative safety, and where a market is opened to them at largely advanced prices. These experiments have been conducted with such care and ability as to command the confidence of cattle producers throughout the world and the bulletins issued are regarded as authority.

Violations of the Anti-Butterine Act prohibiting the sale of deceitful imitation butter compounds have been vigorously prosecuted in the lower courts, two appeals have been taken to the Supreme Court and in one instance to the Federal Court, and in each case the Missouri law was upheld and every contention of the Board sustained.

As a result of the earnest efforts of the Board in the enforcement of this law the average number of retail license for the sale of oleo issued annually by the Government has been reduced from six hundred and seventy-four to one hundred and ten and while the number of wholesale licenses averaged annually fourteen prior to the enactment of the law, in 1897 there was none, 1898, two, 1899 and 1900, one each, and these were either complying with the Anti-Butterine Act or have been prosecuted.

Farmers' institutes, schools in agriculture to the farmer and the farmers' sons have been held each season, in localities distributed well over the State. At these meetings farmers are given the results of the latest research and the conclusions reached. From these have come the more abundant use of leguminous plants as soil builders and better care of soil fertility, the promotion of the dairy industry, a better understanding of problems relating to the develop-

ment and maturing of live stock, and a knowledge of live stock sanitation, how to control contagious diseases and avoid disease-breeding conditions. Road improvement sentiment has been stimulated and a demand for agricultural education in the common school developed to which satisfactory answer must be made in the near future.

Under the auspices of this Board live stock and industrial associations have been organized, representing the various agricultural interest of the State and are now associated together in annual meetings, all giving their best thought to the development of the State's material resources, to the upbuilding of her homes and the elevation of her citizenship.

The publications of the Board are replete with valuable information to the farmer, the live stock breeder and others interested in agricultural pursuits and crop statistics. Special bulletins reviewing the resources of the State, its varied industries, the advantages offered to the investment of capital and to the intelligent homeseeker, have directed the attention of others to Missouri, and stimulated a loyalty to the State's interest at home. These publications are in such demand from Missouri and elsewhere as to exhaust the limited edition possible under previous appropriations in a few days after issue and before the demand is satisfied.

MINES AND MINE INSPECTION

The Bureau of Mines and Mine Inspection has been in existence for nearly two years and the wisdom of its creation has become more and more apparent as time develops its usefulness. The rapid growth of our mining industries attracted my attention and so impressed me with its possibilities for a still larger growth, that the determination was formed to foster and encourage such further development of our mineral resources as the situation and our opportunities would warrant. With this object in view, and convinced that the industry had outgrown the law and the provisions

formerly made for its supervision, I recommended the Fortieth General Assembly, that it separate Mine Inspection from the Bureau of Labor, and that a new department be created to be known as "the Bureau of Mines and Mine Inspection." The large and ever-increasing number of men employed in this extra hazardous character of work, it occurred to me, demanded above all other lines of business—practical supervision, and as practical results were sought to be attained rather than the development of theories, it was concluded that practical mine men only should have control of this work.

The following comparative table has been prepared for your information, in which will be found the product of our coal, lead and zinc mines, and the value of the same for each of the past eight years:

COAL, LEAD AND ZINC PRODUCT AND VALUES FOR THE PAST EIGHT YEARS.

Comparison of the years 1893, 1894, 1895 and 1896 with the four years ending with 1900.

Year.	Tons of coal mined.	Amount received for coal at mines.	Tons of zinc ore.	Tons of lead ore mined.	Amount received for lead and zinc ores.	Total amount received for coal, lead and zinc.
1893	3,190,442	$3,999,681	108,591	40,297	$3,830,597	$7,830,278
1894	2,383,322	3,013,075	89,150	52,003	3,287,478	6,300,553
1895	2,283,081	2,675,690	101,294	61,618	3,560,066	6,235,756
1896	2,420,147	2,741,711	92,754	65,504	3,819,012	6,560,723
Total	10,276,992	$12,430,159	391,789	219,422	$14,497,153	$26,927,310
1897	2,429,388	$2,684,753	93,148	67,404	$3,569,070	$6,253,823
1898	2,838,152	3,148,862	139,668	73,687	5,938,376	9,087,238
1899	3,191,811	3,582,111	181,430	70,829	9,120,861	12,702,972
1900	2,995,022	3,643,975	186,296	80,478	9,437,833	13,081,808
Total	11,454,373	$13,059,701	600,542	292,398	$28,066,140	$41,125,841

Increase in tonnage and values for 1897, 1898, 1899 and 1900 over the former four years.

Amount of increase	1,177,381	$629,542	208,753	72,976	$13,568,987	$14,198,531
Percentage of increase	11.45	5.06	53.28	33.25	93.60	52.73

The last four years, as it will be observed, show a phenomenal increase in the product of our mines, and words can not improve the showing made by the above figures. It is most gratifying, however, to point to such evidence of our growth, as it is not only a tribute to the limitless resources of our State, but also to her citizens, demonstrating as it does our ability to meet the demands of the times as well as to lead in the supply of some of the great commodities of the nation.

The increase of our zinc product of 53.28 per cent, our lead product with 33.25 per cent, and an increase in the value of the two metals or ores of 93.60 per cent, is to say the least most remarkable and gratifying. The total value of the two ores for the first four years was $14,497,153, while for the last four years the value reached $28,066,140. For the fiscal year 1896, the product of our coal, lead and zinc mines was worth $6,560,723, and for the fiscal year 1900, the product sold for $13,081,808.

While our coal trade shows an increase, yet it does not keep pace with lead and zinc. We are surrounded on every side by sister States possessing extra fine coal fields and our product is largely consumed at home. There are, however, several features connected with our coal mines affording us pleasure to refer to—the absence of anything like riot, bloodshed or an open defiance of the laws is most creditable. Strikes among the lead and zinc miners are infrequent, but quite frequent in the coal fields; but in our State no very serious strikes have occurred, with the exception of one growing out of troubles which did not originate in our borders, but due to sympathy for fellow miners at work in other States for companies also operating in this State. These miners prefer not to call this a strike but a suspension of work and have witnessed their places filled with colored miners from other States without causing the least trouble; this speaks volumes for the law-abiding character of our miners. Another feature connected with our coal mines is worthy attention—that is the decrease in fatal accidents for the past four years, of 40 per cent. This character of

management and supervision of our mines is of itself worth all the money the State pays for mine inspection. In our lead and zinc mines fatal accidents have increased, but it should not be forgotten that many new and inexperienced men have been attracted to our lead and zinc mines on account of their wonderful activity.

During the past year coal was mined in thirty-six counties and lead and zinc in twenty-one counties. There was a total of 1,453 shafts operated, in which 13,289 miners worked; the outside men and mill men numbered 4,758, with 1,613 men prospecting—making a total of 19,660 men. Allowing each man to represent a family of but four persons, we have a population supported by our mines amounting to 78,640 souls.

The mine inspectors, as it will be seen from the above, have an immense amount of work to attend to, too much for only two men in the field, they will need the enactment of laws that will only give them needed assistance, but that will require the operators to promptly and satisfactorily answer all questions asked for in gathering statistics.

Our mine inspectors have performed their duty faithfully and well, and any recommendations they make are worthy of favorable consideration at your hands.

STATE BOARD OF CHARITIES

The State Board of Charities and Corrections was created by an act passed on the 17th of March, 1897. No work of any Legislature in recent years has so strengthened the confidence of the people in our Charitable and Eleemosynary institutions as the creation of this Board. An impression prevailed in the minds of many people that the afflicted of our State were not receiving such humane treatment as they deserved. In most cases these impressions were without foundation, but the creation of this Board, whose mission is to look specially after these humane features has succeeded in banishing such impressions. All of our larger institutions have been inspected repeatedly from

garret to cellar, and at such times when least expected. Food, clothing, bedding, etc., have all passed under the vigilant eyes of this Board, and whenever there was the slightest evidence of neglect or mistreatment my attention has been directed to it.

The creation of the Board has not only inspired confidence in the minds of the people at large, but has also had a decidedly wholesome influence upon the institutions coming under its supervision. It has emphasized the thought that these institutions are for the afflicted, and not for employes. This Board has also examined the books of these various institutions, and wherever prodigal expenditures have been found attention has been called to them.

The exposures of this Board of the poorhouses of the State have produced many very desirable changes in these institutions. Large numbers of the insane have been taken from these poorhouses, and sent to our asylums where they can be properly cared for. On account of exposures made, a healthier public sentiment has been created, thereby demanding kinder treatment. A revolution in these institutions is being wrought out, which will eventuate in the amelioration of suffering, and redound to the honor of the State.

Through the influence of the Board of Charities and Corrections a law establishing a Colony for the Feeble Minded and Epileptics was enacted by the last Legislature. In my judgment this is to become one of our largest and most cherished institutions. The deportation of these unfortunates from our poorhouses will prove a moral and economic blessing to our State. Other measures looking to the betterment of the condition of our dependent wards are being evolved by this Board.

It is a matter of sincere regret that this Board has been crippled from its infancy by the insufficiency of its appropriation to carry on its work. The members of the Board give their services gratuitously to the State, and the secretary receives the meager salary of one thousand dollars per annum for his services. Only five hundred dollars a year

have been appropriated to defray the expenses of the Board. The time has come in my judgment when the efficiency of the Board demands an appropriation of at least eight thousand dollars for the next biennial period. The secretary ought to have a salary of two thousand dollars a year, and the Board ought to have the same amount for expenses. Such an appropriation would enable the Board to open an office in the capitol, and thereby more successfully prosecute the work assigned it.

PAY ROLLS AND NUMBER OF INMATES OF MISSOURI INSTITUTIONS.

	Officers.	Monthly Pay Roll.	Employes.	Monthly Pay Roll.	Inmates.		
					Male.	Female.	Total.
Asylum No. 1, Fulton	7	$813.33	119	$2,955.20	486	375	861
Asylum No. 2, St. Joseph	7	833.28	153	3,876.80	558	479	1,047
Asylum No. 3, Nevada	6	700.00	97	2,425.00	400	323	723
School for Blind, St. Louis	15	786.66	18	329.00	52	51	103
School for Deaf and Dumb, Fulton	31	1,907.52	52	1,573.46	171	150	321
Boys' Reform School, Boonville	37	1,933.33			340		340
Girls' Reform School, Chillicothe	13	444.99				81	81
Federal Home, St. James	15	278.00			79	23	102
Confederate Home, Higginsville	16	276.00			131	19	150
Penitentiary	26	2,404.10	93	4,930.00	2,005	70	2,085

NATIONAL GUARD OF MISSOURI

The reorganization of the National Guard, made necessary in part by the Spanish-American War, has been completed, and an examination of the reports of the Adjutant-General and Brigade Commander discloses the present strength to be two thousand, seven hundred and sixty officers and men. This force has been organized into four regiments of infantry of eight companies each, and one light battery of artillery, the whole constituting the First Brigade. Our laws wisely provide that the National Guard in time of peace shall not number more than three thousand men, inclusive of State Cadets, the desideratum being a small force thoroughly disciplined and equipped rather than a large one poorly trained and indifferently cared for. This policy has been strictly adhered to, and the present force, with a possible increase of one more company to the regiment will be ample to meet every emergency for which a militia force is maintained. It has been the policy in the reorganization to distribute the troops over the State as far as possible, and at present every section is represented. The First Regiment and the battery are stationed in the City of St. Louis, the Second Regiment has its companies scattered over various counties in the Southern portion of the State, with headquarters at Nevada, the Third Regiment is in Kansas City and the companies of the Fourth are stationed in eight counties in the Northern section of the State, with headquarters at St. Joseph.

The headquarters of the entire brigade are at Butler. During July last the entire National Guard was assembled in brigade camp of instruction, and the efficient showing made was most gratifying. The percentage of attendance was phenomenally large, and the report of the inspecting officer demonstrates a degree of discipline and efficiency of which the State may well be proud. For the first time in our history our State troops rank second to those of no other State in point of efficiency. And it is but just to state that to the untiring, unselfish and patriotic interest

and intelligent efforts of the officers and men who comprise its membership is due the credit for the splendid efficiency of the organization as at present constituted. Not only have they given their time unsparingly, but they have contributed of their own means more than was appropriated for military purposes by the last General Assembly. This should not be. Missouri should not longer court the distinction of doing less for her National Guard than any of her sister states of like wealth and importance. Upon the call to arms two years ago, the National Guard of Missouri responded to a man. They left home and occupation and served without complaint until the conclusion of peace returned them to the State whose honor had been given into their keeping. The sacrifices they made and the hardships they endured in fever-stricken camps entitle them to the gratitude and consideration of a generous and appreciative people, and it is earnestly hoped that liberal and just provision will be made for our citizen soldiery at the present session.

GEOLOGICAL SURVEY OF MISSOURI

In the treatment of the "Geological Survey of Missouri," I simply submit for your careful consideration the report in full, prepared especially for this message, by Mr. Leo Gallaher, the Acting Geologist. It is as follows:

In the spring of 1897 it was found that the Department quarters in the Capitol Building were too small to admit of the contemplated new arrangement of the collection and the carrying out of the new plans of the future survey work. More suitable quarters were kindly offered and at once accepted in the Armory Building. About three months were consumed in fitting up the new rooms (consisting of one room and a hallway on first floor and almost the entire space on the second floor), moving and rearranging the fixtures of the whole department. A great mass of useless and irrelevant material had been accumulating for years. Part of this was given to the State University and the

rest cleaned up and stored away to itself in the best order possible.

Before the change in the arrangement of the collection the specimens, as they came in, had been arranged in two groups; one for further study and the other for display in the cabinet. The plan of arrangement of the specimens in the cabinet then, was to classify the mineral from a mineralogical standpoint with reference to form and chemical constituents and the fossils from a biological standpoint. In that plan the geological association and structure of the specimens, probably the most important phase of all to the prospector, was almost entirely neglected.

In order to meet this deficiency another method of arrangement was added to the old one. In it the central idea was geological association and structure. All the great country rocks were, through representative specimens of each, chronologically arranged, beginning with the oldest or geologically deepest seated and then proceeding step by step to the youngest or geologically highest. With each of these great country rocks represented by specimens from its typical outcrops, as well as from outcrops showing important variations were shown all the various forms and structures of their associated formations or products. This arrangement fitted in perfectly with the plans for the regular basis of the survey work as illustrated by the preliminary report of recent date. The mineralogical and paleontological classification was not neglected but the system of geological association was simply added and duly emphasized.

When all this was completed little of the field season was left, but some field work was accomplished by the director and his assistant before the cold weather came.

In view of the fact that the rocks over half of the State had never been reliable and completely differentiated, classified and named, it was thought best to run a series of cross-sections from northwest to southeast across the State and publish the data in the form of cross-section maps and a report on the geological structure of the State. During the next two field seasons this work was diligently and

faithfully pursued and data collected which was used in the recent Preliminary Report on Structural Geology of Missouri and will be used in other reports and maps yet to be published. Reports were distributed to all who asked for, and would appreciate them, and information given whenever solicited as promptly and accurately as possible. All specimens sent in for termination and analysis were attended to with as much facility as other duties would permit.

An intense interest in the mineral resources of Missouri has been aroused in the last four or five years. This is proven by the number of letters being received daily inquiring for specific information on various subjects. Most of them are from parties who have just recently become interested in Missouri property or who are anxious to invest. A surprisingly large number of reports of this department are asked for from parties outside the State. From citizens of the State letters are continually pouring into this office containing requests for reports, determinations and analysis of specimens, information on certain lines of investigation, or private surveys of particular tracts of land. All of these requests are promptly granted as far as possible and the interest they display is encouraged. This increasing interest in Missouri is gradually producing a stronger demand for opportunities of investment. A number of Eastern companies representing much wealth and experience are now casting about for land in which to invest.

PUBLICATIONS

In December, 1898, a report on Areal Geology, sheets 5 to 10, containing 656 pages, 3 plates, 39 figures, and 6 maps was gotten out in an 8vo. cloth by E. M. Shepard, C. F. Marbut, and G. C. Broadhead and edited by C. F. Marbut. It is a series of chapters on the geology of the areas covered by sheets 5 to 10.

At the same time a Biennial Report of the State Geologist to the Fortieth General Assembly, 68 pages, was gotten out by Jno. A. Gallaher.

A New Year Announcement in form of a bulletin was published January, 1900, by Jno. A. Gallaher. It contained 27 pages and consisted of a discussion of the three great ore-bearing country rocks of Missouri also an article on the proposed core-drilling for which the last Legislature made a special appropriation.

In September, 1900, a preliminary report on the Structural Geology of Missouri, written by Jno. A. Gallaher and edited by D. K. Greger and Leo Gallaher, was published. It contains 260 pages, 64 plates, 9 sections and 6 figures, 8 vo. cloth. This is a remarkably clear and lucid classification of the rocks of Missouri and forms a basis for all subsequent work. Had the necessity for such a work been realized years before much subsequent unnecessary work would not have been done. That this report is highly appreciated is shown by the file of letters expressing approval in the office of the Geological Department.

There is now ready for publication a Biennial Report of the State Geologist to the Forty-first General Assembly. Also several other reports are in course of preparation for publication this winter. Among them are: a Report on Magnesian Lens and its products, Results of Drilling, several county reports, and Synopsis of Invertebrate Fossils of the Missouri Paleozoic.

The last General Assembly made an appropriation for core drilling. Most of this money will have been used in this work or contracted for and several holes in different parts of the State with varying quantities of economic products shown up and a vast amount of information gained will be the result. The hole now being put down near Forest City in Holt county will be one of the deepest holes drilled with a core drill in this country. Even if no economic products were brought to light by these holes still the data being collected with great care would be absolutely reliable so far as it went and would furnish a standard with which the best reliable data from private drilling over the State could be compared and reasonable conclusions deduced.

A report on the results of this drilling is now in preparation and will furnish information which will strongly influence future prospecting.

During the last three years the work of differentiation, classification and naming of the rocks of Missouri has been completed as far as it is practicable to go until a topographic base of the whole State has been prepared, then an accurate and complete geological map can be made for the whole State and the first great stage of the Survey work will be practically finished.

Not only was the regular classification work pursued during that time, but also a vast amount of data on the deposits of economic importance was collected. Besides giving an opportunity for the collection of this information it also showed what places and areas were most in need of detail work and suggested the plans to be pursued in such work. In fact it formed the basis for all work to be done in the near future.

FUTURE WORK

The work for the future comes under two heads: first, continuation of work done the last few years, which can be continued on $30,000, same amount as last appropriation; and second, much additional work of inestimable value, but which will require much more money. Following is a brief statement of importance, necessity, and approximate cost of each.

FIRST

This work includes the following items:

(a) Investigation of economic deposits and allied scientific problems.

(b) Production of a geologic map of State.

(c) Very moderate and insufficient amount of drilling.

(d) Completion of representative collection of Missouri products.

(e) Publication of results of such work.

But it will certainly be clear to any fair-minded person if he will only stop to consider the scope and variety of this work, the small force employed, the size of the territory to be covered, and what is expected by the people, that thirty thousand dollars per biennial period is exceedingly small and inadequate for the proper prosecution of the work. However, it is safe to say that the above work can be continued by the use of the strictest economy and by proceeding slowly on that amount.

SECOND

Under this heading are the following points:

(a) A rapid and more thorough prosecution of the work as outlined under first heading.

(b) More thorough and greater amount of drilling.

(c) Co-operation with U. S. Survey in production of a perfect Topographic Map of whole State.

It certainly must be unnecessary to enumerate the points in favor of (a) and (b). Nothing could be more obvious. But in order to show why a topographic map of the whole State should be made the following is quoted from Vol. I of the recent West Virginia Survey:

"If now, upon such an areal map, the elevations and contour lines could be superposed, there would be added to its value an entire realm of facts which are at present unknown and unrealized by the ordinary citizen. If the scale of the maps were such as to permit the country roads and streams to be designated, as it ought to be, then they would lend themselves to a thousand uses of our every-day life. At a glance one could locate the steeper slopes and level stretches. The traveler, whether on foot or on wheel, can know the ups and downs of his journey beforehand. The land buyer can bring to book the descriptions of the land seller, seeing for himself what is upland and what is river-bottom, delineated by an authority that is entirely impartial. The engineer can lay out the preliminary profile of his turnpike or electric railway at his office desk, being sure of the correctness of the large points of control; city

engineers can calculate the water supply that is tributary to their towns, can know at what levels it can be impounded, and learn by inspection the most economical location of dams, reservoirs, and pumping stations. The feasibility of projected ship-canals and comparative merits of different routes can be in great measure settled, without expense. The manufacturer, the miller, the miner, the contractor, can know beforehand the best location for his factory, his mill, his shops, and his headquarters. Eventually the geological outcrops can be transferred to the same map, in a scheme of colors, the geology explaining the topography and the topography suggesting the geology. Then the sheets will be bearing something like the load of correct information concerning the surface of the State that should be demanded and furnished by an intelligent commonwealth.

"But these considerations are largely pecuniary. There are others that are scientific, intellectual, and educational, and which will be more highly valued by the thinking citizens of the State. The naturalist has a sore need of topographic maps in all his endeavors to explain the geographical distribution of plants and of animals. In his field excursions, as a mere guide for his trips, they make all the difference between high satisfaction and regret that he had not a better map; while in explaining and recording the distribution of plants and animals, the topography is a factor which injects itself into his problems at every turn. The geologist who is endeavoring to unwind the history of the preglacial drainage of the State and its relations to modern drainage, has at present to map his own topography; and he has nothing to suggest localities where evidence on critical points might be obtained. Unless he is fortunate enough to see the topography of a locality with his own eyes, he can not know whether there is any problem deserving study at that point or not. In contrast with this we see Professor Davis, of Cambridge, taking the elaborate maps of France and Germany, and, in his laboratory, writing with confidence of the episodes in the history of the Meuse

and Mosel rivers, leaving scarcely a work or an opinion to be altered when the place is subsequently visited in person. The physicist and the meteorologist are in equal need of a knowledge of altitudes, that they may interpret aright the pressure of the atmosphere and its ever varying phenomena. Indeed, one can not foresee all the benefits that would arise from the survey proposed, for every step forward in exact science is sure to open up, and form a basis, for unexpected advances in related lines. Our duty is to push forward in faith, being sure that our horizon will be broader from the new position attained.

"As a matter of mere intellectual triumph over nature, the utility of this survey may be urged. Ohio has been settled for over a hundred years, and has become one of the most important commonwealths in the Union. Its interests are diversified. It has enjoyed general prosperity, and in education, in the support of public institutions, and in intelligent appreciation of the best things, it has an honorable standing. But is it not high time that an intelligent people should construct for themselves, and thus be able to contribute to the world's consistent and complete representation, in three dimensions, of that portion of the earth's surface with which their fortunes are inevitably linked? To subdue, to cultivate, to comprehend, to prepare for man's uses with the utmost refinement this surface which is the most persistent and conspicuous element in the environment of man, should be a task, in the accomplishment of which a worthy sense of satisfaction and triumph may well be indulged."

MONEY NEEDED

For maintenance	$20,000.00
Core drilling	30,000.00
Topographic work	40,000.00
Soil analysis	10,000.00
Total	$100,000.00

Both the Topographic Mapping and the Soil Analysis would be done in co-operation with the U. S. Survey and the Federal Government would put as much money into it as the State. The work would be as perfect as the most improved methods for engineering work could make it. All the money the State appropriated for the work would be spent within her own bounds, and a large part the United States appropriated would also be spent in the State, hence it would result, in money being brought into the State. Many of the Eastern states, not so large nor so wealthy as Missouri, have secured this co-operation with the Federal Survey and the results are in every way gratifying.

It is rather a surprising fact that the cost of the survey during the last four years has been equalled by the increase in taxes being brought about by the land entered and converted into taxable property during that period. With liberal appropriations for carrying on the work as outlined above even that record can be surpassed.

Dr. John A. Gallaher, State Geologist, died June 21, 1900, at Warrensburg, Missouri, after an illness of several weeks. He was a zealous student and loved his profession. He was a man of varied information and of untiring industry and energy; conscientious, honest and faithful, courteous and affable, and leaves behind him a spotless record for his family and an example worthy of emulation. His death is deeply deplored, and it is recognized as a great loss to the State of Missouri. He leaves a wife, two sons and one daughter, who have in their bereavement the sympathy of all Missourians. Upon the death of Dr. Gallaher, his son, Leo Gallaher, who had received his practical training from his father, and who was thought in every respect worthy and well qualified, was named by the Board of Managers of the Bureau of Geology and Mines, as Acting Geologist.

EXCISE COMMISSION

Chas. P. Higgins, Excise Commissioner of St. Louis, submits me the following comparative statement of State and City Revenue for dram-shop purposes, collected by his

predecessor and himself, during their respective terms, excepting the year beginning July 3, 1900, and ending July 3, 1901, which it is thought will also show an increase over the preceding year.

BY N. M. BELL

July 3, 1893, to July 3, 1894	$1,136,275.55
July 3, 1894, to July 3, 1895	1,185,792 30
July 3, 1895, to July 3, 1896	1,173,176.75
July 3, 1896, to July 3, 1897	1,190,169.60

BY CHAS. P. HIGGINS

July 3, 1897, to July 3, 1898	$1,216,789.20
July 3, 1898, to July 3, 1899	1,201,373 75
July 3, 1899, to July 3, 1900	1,213,566.70

Mr. Higgins, in forwarding this report to me, makes the following suggestion, which is respectfully submitted:

"I have, during my term of office, endeavored to do my full duty, honestly and impartially. During my term an agitation has prevailed regarding 'disreputable' saloons. They have always existed, and are created by the tax-paying citizens owning property in the block or square in which they are situated, and I can see no remedy for their abolishment, other than the enactment of a law providing for the closing of all saloons between the hours of 12—midnight, and 5 a. m. This would come nearer to accomplishing this end, as the business of these places is wholly done between these hours; and a law of this sort would make the business so unprofitable that they could not exist; and in addition would prevent murders, robbery and other crimes."

STATE BOARD OF PHARMACY

Since the report of this Board, December 31, 1899, there have been held five meetings, at the following places: Jefferson City, St. Louis, Kansas City, Sedalia, and St.

Louis. During the year the Board has examined 254 applicants of which 131 passed and 123 failed. It has issued in all 655 licenses, 524 of them being to physicians and graduates of pharmacy, who were entitled to a license under section 3037 and 3052 of the Revised Statutes of Missouri, "without examination."

According to the decision of Attorney-General Crow, the Board found itself in a dilemma, owing to the ambiguity of the Pharmacy laws. Section 3037 provides that physicians duly authorized to practice medicine in Missouri, shall be registered without examination. Section 3052 provides that the Board of Pharmacy conducting examinations under the provisions of this section shall not be permitted to inquire into the source of information of any applicant, but shall subject all applicants to the same examination and require of all the same degree of efficiency.

During this administration the Board examined 976 applicants, of which 514 passed and 458 failed. The examinations consisted of written questions and answers in practical pharmacy, theoretical pharmacy, toxicology, materia medica and chemistry; the Board requiring a rating of seventy per cent in all branches—not less than fifty per cent to be made in any one branch.

EDUCATION

STATE UNIVERSITY

In no institution in Missouri, indeed in few, if any, in the Mississippi Valley has the growth and advancement been greater in the last four years than in the University of the State of Missouri. This advancement has been not only in attendance of students, but in the character and excellence of work done. The Missouri State University is taking rank, as it well deserves to do, among the leading institutions of America. This progress will be gratifying to the increasing number of friends that the University has throughout the State. Tuition has been made free in all departments; the medical course has been extended to four

years and the law course to three years; a high school education is now required for admission to both courses. The laboratory of Anatomy has been equipped and the chair of Anatomy filled.

The Parker Memorial Hospital erected through the generosity of William L. Parker, of Columbia, supplemented by the State appropriation of $10,000 has been built. This hospital is for Clinics, for the care of students who are sick and for training nurses. An appropriation will be needed for its equipment.

Household Economics has been equipped with an admirable teacher in charge, under the direction of the Fortieth General Assembly. Notable improvements have been made in the Academic department, in the Engineering department, the department of Physical Culture and in the Library. On the first day of June, 1897, there were enrolled as students at Columbia, 701, and at the School of Mines, at Rolla, 104; total for the whole University, 805. On the first day of June, 1901, at the close of the present year, there will have been enrolled at Columbia for the present year 1305 students and at Rolla 168; a total for the whole University of 1473 students. This is a gain during the four years in student enrollment of 85 per cent increase unequalled in the history of the institution. Three-fourths of the growth has been within the last two years and its continuance is practically certain. Within the next four years there will be enrolled nearly or quite 2,000 students and the General Assembly, in making appropriations should provide not merely for the 1,300 at present enrolled, but for the certain increase. There is no educational institution in the State, public or private, that in the last two years has increased so rapidly as the State University. Moreover this increase may be expected to continue. In 1897 the University had 50 approved schools in the various counties of the State, graduates of which were admitted to the University without examination upon presentation of certificate or diploma. There are now over 112 approved schools, an increase of over 100 per cent. Moreover each

approved school is increasing in numbers. Because of this and other reasons the growth of the University seems to be assured. It remains for the Forty-first General Assembly to decide whether the intellectual demands of this army of students shall be properly met. It must of necessity take larger funds for the teaching of 1,300 students than that of 800. Because of the abolition of tuition fees, the University has no income from this source, and the State will have to make good its loss.

The University is now in point of attendance the sixth State University in America, having surpassed in enrollment its neighboring Universities of Kansas and Iowa. Its summer school, though of comparatively recent establishment, is the fourth in size in the United States. The University can not be maintained at its present high standard nor can it keep up with the demands of the youth of the State except it receives the liberal support from the General Assembly. The estimate of the Board of Curators is that for maintenance and support of the University for the next biennial period there will be needed an appropriation of $32,000 for the School of Mines at Rolla, and $285,000 for the University at Columbia. To this most conservative estimate I give my cordial approval. In this estimate there is no account taken of the needed buildings. Among the buildings which the Board of Curators and the Board of Visitors report as of urgent necessity are the two for which appropriations were made by the Fortieth General Assembly, but which because of lack of revenue in the State Treasury were vetoed, the main building at the School of Mines and the building at Columbia, for live stock judging, veterinary surgery and dairying. Other buildings at Columbia which should be provided as soon as revenues of the State will permit, are an engineering laboratory, a Dormitory for Women, a fire-proof Library building, a Gymnasium and Armory, a Medical building and a building for Botany and Entomology.

During the four years now closing there have been expended in permanent improvements at Columbia and

Rolla $100,000 which is remarkably small when the needs of the growing State University are considered. Of this amount, $34,500 was for a new dormitory and furnishings; $32,500 for laboratories and libraries; $30,000 for the Parker Memorial Hospital, of which $20,000 came by private gift.

The foremost need of the University is a fixed allowance from the State for its support. In most of the Mississippi Valley States this provision is made for the support of the universities by a fixed tax levied upon property in the State and entered on the tax bill of the citizens as a separate item so that he may see the amount. Taxes are levied in the following states for this purpose:

1. The University of Michigan, not including the Schools of Mines or the Agricultural College, one-fourth mill (two and one-fourth cents on the $100) of property. Income from all sources nearly $500,000 a year.

2. University of Wisconsin, about one-fourth mill for maintenance and a large tax additional for special purposes. Its income from all sources is nearly $400,000 a year.

3. University of Iowa, not including Agricultural College, about one-fifth mill or two cents on the $100.

4. University of Nebraska, two-thirds mill or about six and two-thirds cents on the $100. This is the largest tax levied in any State for the maintenance. In Missouri it would yield a revenue of $833,333 a year.

5. University of California which has besides an endowment of more than five millions, one and one-half cents on the $100 valuation. Its income from all sources is not short of $500,000 a year.

6. University of Minnesota for maintenance alone has an annual income of about $350,000 a year.

7. Ohio University one-tenth mill or one and one-half cents on the $100, has income from all sources about $300,000 a year.

8. University of Oklahoma, one-half mill, five cents on the $100. In Missouri this would yield $650,000 a year.

9. University of Illinois expects to receive in the coming biennial period about $700,000.

The University of Missouri received during the last biennial period for the department of Columbia, $142,700 which is three-fifths of a cent on the $100 of taxable property in the State. A man with $1,000 worth of property on the tax book paid the University six cents a year. A man in Nebraska paid sixty-seven and two-thirds cents; in Michigan twenty-five cents besides what he paid to the College of Agriculture and State School of Mines. It will be seen that several of the State Universities west of the Alleghenies have received more per annum than the Missouri University has received in the biennial period. Moreover, they have in general a stated income and hence are able to carry out a fixed policy. I have heretofore recommended to the General Assembly that provision be made for a fixed income for the Missouri University and here repeat with emphasis my former recommendations along this line.

The certificates of indebtedness heretofore issued for the public school and seminary fund have proved safe and satisfactory. Adequate provision should be made for their continuance.

The State University is the head of the public school system of Missouri. It should be so liberally supported that no Missourian need send his children beyond the borders of the State for University training.

SCHOOL OF MINES AND METALLURGY

The past four years have been notable in the annals of the Missouri School of Mines for changes and improvements. A general reorganization of the faculty and administration, and a change in the character of the work of the school has been accomplished. The latter which was largely academic and preparatory has become almost purely technical. The full courses for engineering degrees have been strengthened, and the standard for admission to the school very materially raised. The results of these changes have been gratifying

in the extreme. The number of students in attendance has increased each year until the school has been taxed to its utmost capacity to provide for them. Every inch of available space has been utilized for laboratory and lecture room purposes, and two rough temporary wooden buildings have been erected. Not only has there been this marked increase in the number of students but there has been a striking improvement in their quality, specialists in teaching different branches and lectures, and concerts.

The influence of the school is now being felt in all parts of the State and the charge that it is a local institution, so far as its work is concerned, can no longer be sustained. Its reputation has become so well established that it has now enrolled fifty students from other states and countries —a fine testimonial to the character of the work which it is doing.

Former Legislatures have made no provisions for the unexpected growth of this institution, and its needs in the way of new buildings and equipment are very urgent and are justified both by the record the school has made and by the importance of the great mining industries of the State. It ought to be made the equal if not the superior of any similar institution in the country, and under any circumstances provision should be made for its immediate necessities.

REPORT OF BOARD OF VISITORS

I am in receipt of the following report of the Board of Visitors which is respectfully submitted:

Columbia, Missouri, December 18, 1900.

Hon. Lon V. Stephens, Governor of Missouri, Jefferson City, Missouri:

Dear Sir:

Pursuant to the provisions of section 10511 of the Revised Statutes of Missouri, 1899, the Board of Visitors met at the University of Missouri on December 18th and made personal examination into the condition of the University, and hereby report the result to you with suggestions of such improvements and recommendations as are thought important.

We beg to report that we find the University in a flourishing condition, and that, with the students now enrolled and those that ordinarily enroll during the year, the attendance at Columbia will be not less than 1300, and at Rolla about 165, making the enrollment in the whole University about 1465. Not only is the attendance, but the influence of the University and its usefulness rapidly increasing.

First. We suggest that section 10511 be amended so as to provide for the Annual Meeting of the Board of Visitors on the second Tuesday in November, because of the fact that the law now fixes the time of meeting of the Board of Visitors at the same time that the Curators and the Board of Agriculture meet. In consequence of this the officials of the University are not in a position to assist the Board of Visitors to the extent that they would be were not the duties imposed upon them necessitated by their attendance upon the other two Boards.

Second. We recommend the necessary appropriation for the erection of a Dairy and Stock Judging building at Columbia, and a General building at Rolla, such as were provided in the appropriations of 1899, and which you were obliged to veto for fear that the anticipated revenue would not meet all the appropriations made at that session.

Third. We recommend as next in importance, the erection of a fire-proof Library building. The University now has no Library building, and its Library consisting of 35,000 volumes is housed in one wing of the Academic Hall, in which there is not sufficient room for the students in their library work.

Fourth. A medical building should be erected at once. This is the only department which does not possess a building of its own, and at present the teaching force of this department is scattered through five different buildings. We also recommend in this connection that an appropriation be made for the heating and equipment of the Hospital building.

Fifth. We renew the recommendation in our last report, that a Gymnasium and Armory building be erected. At present, during the bad weather all military drill necessarily ceases. The Gymnasium is at present located in the basement of the Academic building, a place wholly unsuited for the purpose. In addition a large number of students who have been desirous of taking gymnasium work have been refused on account of the lack of room.

Sixth. A reasonable appropriation should be made for the erection of a Woman's Dormitory. The State has already erected three Dormitories for men, and as there are over 300 women in the University, a failure to give them equal facilities seems an unjust discrimination.

Seventh. The Engineering Department is in need of a Laboratory building. This department has the necessary teaching rooms, but has no Laboratory rooms whatever, which operates as a serious hindrance in the efficiency of the department.

Eighth. We recommend the re-enactment of that part of the Law of 1895 (afterwards declared invalid by the Supreme Court) which provides for a corporation tax, and suggest that the fees resulting therefrom be placed to the credit of the Seminary or University Fund to meet

appropriations for the University. We suggest such legislation as this, in order to relieve the pressing burdens which continually rest upon the General Revenue Fund, and our suggestion is not merely in the interest of the University, but in the interest of all the State's institutions, because to the extent that the General Revenue Fund is relieved of pressure to the same extent is the ability of the State enlarged to meet the demands of all its other institutions.

Ninth. We call attention to the fact that larger appropriations must be made for the maintenance of the University. This is due to several reasons.

In the first place, the University of Missouri, with two other State Universities, up to two years ago stood alone in charging tuition fees. The authorities of this institution rightfully and correctly came to the conclusion that it was improper to charge a student a tuition fee as the condition precedent to his admission in a Public School, for the University is a part of the Public School system of the State. Accordingly, all tuition fees are now abolished in the University, as is the case in almost all similar institutions in the United States. The result of this, however, is the loss of some $12,000 to $15,000 revenue per annum from such tuition fees, making the net loss for the biennial period of from $25,000 to $30,000. Necessarily this loss must be made up by an increase in the maintenance appropriations. In addition to this the policy of free tuition, and the recent quick growth and development of the institution has brought about the large student attendance already adverted to, and such increase will continue within the next two years, which of itself will necessitate increased expenditure.

For these reasons we think the appropriation for the biennial period, aside from the interest on the University's endowment fund, should not be less than $280,000.

Tenth. We are advised that the Y. M. C. Association of the State will contribute $15,000 if the State will appropriate $25,000 for the erection of a Y. M. C. A. building. We recommend that this generous proposition be accepted. The benefits are so self-evident that we consider comment unnecessary.

Eleventh. We desire to return and in this way to express the grateful acknowledgment of the Board of Visitors to William L. Parker of Columbia and Adolphus Busch of St. Louis. Mr. Parker gave $15,000 to assist in the erection of the Hospital building of the University. Mr. Busch realized the necessity of building a clinic amphitheatre in connection with the Hospital and for which no funds were on hand. Mr. Busch, with the generosity which has always characterized him, cheerfully gave this sum. The memory of the munificence of these men will always continue with the good that will accompany it at the institution. To them we believe it due this expression from the Board which we take pleasure in giving in this official manner.

Twelfth. We commend the action of the University authorities in establishing a Co-operative Store at which the students are enabled to buy at a reasonable cost all books, stationery and other supplies.

Thirteenth. We heartily recommend that the State Board of Geology and Mines be removed to the Geological building of the University which is ready to furnish for the collections of the Bureau a fireproof Museum room fifty feet wide and one hundred feet long and for the officers of the Bureau suitable rooms. We believe that the association of the Geological Survey with the department of Geology at the State University would be of great benefit to the Survey, to the science of Geology in the University and to the students who come from all parts of the State. We point to the fact that such association has brought forth good fruit in a number of the foremost States in the Union. This transfer is recommended by the Board of Curators by unanimous vote.

Respectfully submitted,
WALLACE ESTILL, President.

CHAS. E. YEATER, Secretary.

STATE NORMAL SCHOOL—KIRKSVILLE

During the past four years the number of students enrolling each year has changed but little. The school has been working to its full capacity. It could not do justice to large numbers. If there were more rooms and more teachers there would be larger numbers of students. The standard of entrance and graduation has been raised. Small departmental libraries have been put into all the recitation rooms and three new laboratories have been fairly well started. A good Manual Training Shop has been established and is now in successful working order. The present building has been used without material alteration for twenty-eight years. The educational interests of this Normal School district seem clearly to require the addition of at least eight healthful recitation rooms to the building to accommodate the classes now there.

The school needs also a Library and Reading room and a Gymnasium. It is filled with large classes of aspiring and hopeful young Missourians, and would have many more if it could accommodate them. I therefore sincerely hope the necessities of the institution will so strongly appeal to your judgment that you will be disposed to approve the request of the Regents and President of the school for good wholesome appropriations. They will ask for:

Support and maintenance, biennial period 1901-2	$40,000.00
New heating plant	3,500 00
Repairs and improvements	2,200.00
Library and scientific appliances	5,000.00
Summer school	3,000.00
Necessary new building	40,000.00
Total	$93,700.00

STATE NORMAL SCHOOL—WARRENSBURG

The State Normal School (Second District) has grown and developed during the present administration. Though the course of study has been raised about a year and the entrance and graduation requirements correspondingly lifted, the attendance has remained constant, and the interest steadily increased. Some of the new features introduced in the last two years are as follows:

1. Manual Training.
2. Physical Culture.
3. Practical Agriculture and Nature Study.
4. A Kindergarten Department.
5. Two years of German.

This school has wisely expended every dollar received from the State and has a most excellent and modern school building. The grounds are beautiful and the location all that could be desired.

The school draws many pupils from outside the district. This shows the confidence the people and the teachers of the State have in the school. There are forty-three counties in the Second district. In the attendance for the school year 1899-1900 seventy-three counties were represented.

While the Academic work done here is first class and the Laboratory and the Library facilities unsurpassed by any other school in the State of the secondary grade, the feature that is especially prominent and strong is the Pedagogical or Training School. This department has been thoroughly reorganized and now employs five teachers. It is a regularly

organized graded school of eight grades, divided into the divisions of Primary, Intermediate and Grammar School. To these should be added the Kindergarten. There are 190 pupils in this Training department. The Professional department in the Normal proper is closely articulated with the Training School. It is believed that the State has an institution at Warrensburg of which she has just cause to be proud.

STATE NORMAL SCHOOL—CAPE GIRARDEAU

During the last four years there has been a small increase in the number of students attending the Third District State Normal School. The number of students attending is as large as the school should have with its present equipment. A large number would attend the school if the equipment was increased. The rural schools and the town and village schools of Southeast Missouri are developing more rapidly than in any other section of the State, and the demand for well qualified teachers is greatly increasing. To meet this condition the Normal School has raised its entrance requirements gradually, so that at present about eighty per cent of the students attending the school are in the Normal Department proper, and only twenty per cent are in the Sub-Normal Department. But the advancement of the schools of Southeast Missouri will be greatly retarded unless the equipment of the Third District State Normal is considerably increased.

The present Normal building without change, except an enlargement of the Chapel and the addition of small society halls, has served the Normal for twenty-six years. At present the entire building, including every room in the basement, is occupied. All the Laboratories, the Library, and the Training School need more room. There is no available space for the Industrial Department or Gymnasium. The Normal School needs an additional building to accommodate the Laboratories, the Training School and Industrial Department, and a Gymnasium. The present

building would accommodate the school in the matter of general recitation rooms and Library.

The last General Assembly appropriated $25,000 for the support of the school for two years; $21,500 for teachers' salaries, $1,000 for painting the building, $1,000 for the Library, and $1,500 for the Laboratories. The entire appropriation has been exhausted. With the money appropriated by the last General Assembly and what could be spared from the incidental fund for some years, the Board has succeeded in equipping three small but good Science Laboratories, a small general Library and Reading Room, and special Libraries in the departments of History, English and Pedagogy. These should all be enlarged.

The school will ask for the next two years the following appropriations:

For teachers' salaries	$28,000.00
For summer school	3,000 00
For library	2,000 00
For laboratories	2,500 00
For establishing an industrial department	1,500 00
For completing walks	1,500.00
For a new building	30,000.00
Total	$68,500 00

MISSOURI SCHOOL FOR THE BLIND

This institution is in excellent working order. The cost per capita for maintenance of pupils is $228 as against the average cost per capita of thirty-nine other schools for blind of $230. The discipline is excellent. Many improvements have added to its efficiency as a school. All of the money received has been most judiciously expended, and the usefulness of the institution is greater than ever before.

The removal of the school to a more suitable location in the city of St. Louis and erection of a new building is recommended by the management. It is deemed wise to keep the school in the city of St. Louis on account of im-

portant advantages attaching thereto — skilled oculists, specialists in teaching different branches and lectures, and concerts—not to be obtained elsewhere. A new building with comforts and conveniences is needed. The old and dilapidated structure now necessitates constant and expensive repairs.

MISSOURI SCHOOL FOR THE DEAF

The number of pupils enrolled in this school in January, 1897, was 345, and at the present time there are 325. The number of pupils graduated and otherwise discharged from the school during this period (last four years) was 114. The present cost per capita of maintaining the pupils is $197 annually. This is a slight increase, but there has been a corresponding increase in the welfare of the pupils. It is still $37 less than the average per capita cost in thirty-four similar schools in the United States. The general condition of the school is good.

It is suggested that an additional school building, and a cottage for pupils under ten years of age, are needed.

It being the opinion of three experts called in by the Board of Managers that the heating system was wholly inadequate and that a considerable part of it would not serve another winter, the Board agreed to allow the Ringer Stove Company of St. Louis to put in a modern and complete system of heating pipes, at an expense of $3,500. No binding contract was made on the part of the Board. It was simply agreed to present the matter fairly to your honorable body for allowance, and I trust you will see your way clear to do so. The school is in excellent hands and was never better managed than now. Recommendations which will be made to the General Assembly are worthy of careful consideration.

LINCOLN INSTITUTE

This Normal School for the education of the colored people has, during the last few years, risen to a standard

second to none of its class. The number of students enrolled for the present scholastic year, including the practice school, is 243. This increase of a hundred students over the number matriculating last year is remarkable, when the fact is considered that lower grades were discontinued, and the standard for scholarship was correspondingly raised.

During my administration $13,000 have been spent in permanent improvements, such as for water, sewerage, heating apparatus and other equipments. I am informed that accommodations as to dormitory facilities are too meager to permit the management to house all or even most of the students upon the grounds. An appropriation will be asked for a suitable dormitory for boys, and it is further held that it will be a matter of economy to repair and paint all the buildings. The institution is in safe hands, and good work is being done.

ELEEMOSYNARY INSTITUTIONS

STATE FEDERAL SOLDIERS' HOME

The number of inmates at the State Federal Soldiers' Home is now 120, ninety-five of whom are males, and twenty-five females. When the State assumed control of the home there were but eighteen inmates.

The value of the Home and improvements, when donated to the State by the W. R. C. and G. A. R., was $40,000. Permanent improvements to the amount of $8,458 have since been made by the State.

The cost per capita for maintenance of inmates, per day, under Superintendent Crandall was sixteen and one-half cents; under the present superintendent it is twenty cents.

The management is of the opinion that an appropriation will be necessary for the construction of a Dormitory, Hospital, etc., estimated at $74,490.

CONFEDERATE HOME

At the beginning of this administration there were 119 inmates in this Home. During the past four years 168 persons have been admitted. During that time ninety-seven have been discharged or withdrawn, and forty-six have died, leaving 144 inmates remaining at this time. In addition, the applications of twelve more have been approved and notified.

The capacity of the Home is 150, comfortably housed and roomed, but in the winter time it is often crowded to 160 or 165. This crowds the institution beyond its capacity but it can not be avoided without enlarged facilities. There are 165 applications for admission now on file, worthy and needy, but the applicants can not possibly be accommodated.

The ages of the inmates range from 60 to 85—the average age being above 65. Many of them are sadly afflicted from wounds and disease, and a large number are almost entirely helpless.

The per capita cost of maintaining the inmates is 21.53 cents per day.

A number of valuable permanent improvements have been made during the past four years.

The farm of 360 acres has proved to be a valuable adjunct in supporting the Home. In the four years just closed it has yielded a net income, above the cost of its operation, to the support of the institution, of $6,159.69. It is in a splendid state of cultivation, and is equipped with the best modern farming machinery and implements, good work horses and well-bred cows and hogs.

The financial condition of the Home is good, the management having always conducted the business of the institution within the limit of the funds provided, and at no time have its accounts been overdrawn. In all of its departments, the Home has steadily improved each year under State control.

The hospital building is entirely unfitted and inadequate, and a new one must be built. This is the paramount

need of the institution. It is thought that the necessary building could be erected and equipped for $10,000. In addition to this, it is suggested that an appropriation of $2,000 for a new cow-barn, $1,000 for mattresses, and $3,000 for general repairs is needed. None of the comforts and necessities of life should be withheld from these unfortunate people. Every dollar appropriated will be judiciously expended.

REFORM SCHOOL FOR BOYS

On January 1, 1897, there were confined in the Reform School for Boys at Boonville, 306 inmates. At the present time there are 338 inmates—an increase of 32. During this administration 890 boys have been discharged from this institution. Fully seventy-five per cent of them are employed and are doing well. The cost per capita of maintaining inmates is at present $11.50 per month—a slight decrease as compared with former administrations. The present general condition of the institution, financial and physical, is good. The Legislatures have been liberal in their appropriations for improvements and moneys have been at all times judiciously expended. During 1897-1898 there was received from counties and other sources $92,567.82; during 1899-1900 $94,997.15, not including legislative appropriations.

It is apparent that the necessity exists for a new school building, which should be of such capacity as to care for 600 boys. With a cash appropriation of $7,000 by the Legislature, with the help that can be rendered by the boys, such a building could be constructed.

The "cottage system" has been found to be far in advance of all other systems, and a cottage to accommodate fifty more boys is desired, which will cost $5,500.

The management desires to duplicate the electric light generator and engine to furnish power for all shops. Two thousand dollars would be necessary for this improvement. It would in my judgment be a great saving to the State and would prove a good investment.

INDUSTRIAL HOME FOR GIRLS

Number of inmates at present	101
Number of inmates January 1, 1897	78
Number of discharges since January 1, 1897	73

The Legislature of 1897 appropriated the following amounts for permanent improvements:

To finish Missouri building	$1,600.00
To finish school and chapel building	5,000.00
For new barn and sheds	1,320.00
For fence and walks	1,000.00
Total	$8,920 00

The Legislature of 1899 made an appropriation for permanent improvements and but $1,000 was allowed for repairs for the two years of 1899 and 1900, so that repair work has not been kept up as it should, as the small amount of $500 per year barely sufficed to keep the old boiler plant in working order. Therefore amount expended for permanent improvements since January 1, 1897, $8,920.00.

Amount appropriated by Legislature of 1897:

For finishing Missouri building	$1,600.00
For finishing school and chapel	5,000.00
For new barn and sheds	1,320.00
For fence and walks	1,000.00
For repairs	2,000.00
For support	7,000.00
For salaries	10,000.00
Total	$27,920.00
Received from counties and individuals during 1897	5,209 64
Received from counties and individuals during 1898	7,264.56
Total funds of 1897 and 1898	$40,395.20

Of this there was unexpended and turned back into the Treasury, January 1, 1899:

Of support fund	$308 43
Of repair fund	119.16
Of barn and shed fund	65.65
Of fence and walk fund	89.70
Total unexpended	$582.94

But the salary fund was inadequate and there was a deficit, afterwards provided for in deficiency bill of 1899 of $462.56. Making the total expenditure of 1897 and 1898, $40,274.82.

Amount appropriated by Legislature of 1899.

For salaries of officers and employes	$11,160.00
For support	7,000 00
For repairs	1,000 00
Total	$19,160.00
Amount received from counties and individuals in 1899	5,620.71
Amount received from counties and individuals in 1900	5,120.55
Total from all sources	$29,901.26

Expended for salaries, 1899-1900	$11,155.73
Expended for repairs, 1899-1900	1,000.00
Expended for support	18,344.05
Total expended	$30,499.78

Making a deficit of $598.52, which the superintendent is trying to collect from counties.

Cost per capita for inmates at present	.235
Cost per capita for inmates former administration	.379

Of the seventy-three discharged since January 1, 1897:

Married and doing well	29
Working and doing well	24
Died	1
Doing badly	9
Nothing known	10
Total	73
Per cent. of reformation	72.6

Every cent of the appropriation has been expended. The physical condition could not be better. There has been but one death in the institution since its establishment and no epidemic. The physician is paid by the visit and his annual bill would not exceed $75.

The report of this institution will be found an interesting one. Recommendations made are indeed modest, and I urge at your hands a favorable consideration of same.

The two buildings are crowded to the full extent of their capacity, and the necessity for a new family building is great, if girls are to be received in the next two years.

The boilers are worn out and were always too small, and an appropriation for two new boilers and an enlargement of the boiler-house is an urgent need.

With the establishment of a new family, two new officers will have to be put in, and the present demand for a laundry teacher, as well as the establishment of a business department, with teacher, is one of the great needs.

A teacher in music should be put in, and a piano is very much desired.

The engineer's salary will have to be increased ten dollars per month, for it is impossible to find competent machinists and steam men to take charge of the plant, and stay permanently, at the present salary of fifty dollars per month.

The following sums should be appropriated for the use and support of the Home for the ensuing two years:

New family building for inmates (this is estimated to cover steam heat and plumbing equipment)	$28,000 00
For furnishing same	2,500.00
For new boilers	1,500 00
Extension of boiler-house	1,500.00
Cement walks	500.00
Finishing outside front fence and walk	1,000 00
Fitting up house and yards for poultry	300 00
Equipping business department	300.00
For library	100.00
Purchasing four sewing machines	100.00
Putting sewer through garden	200.00
Purchasing piano for chapel	300.00
Erection of shed and purchasing of vehicle	200 00
General repairs	2,000 00
Salaries for two years including the new officers	13,000.00
Support	10,000.00
Total	$61,500.00

These are low estimates and lower than those two years ago, notwithstanding the fact that all building material has advanced from ten to twenty per cent.

ASYLUMS FOR THE INSANE AND FEEBLE-MINDED

HOSPITALS FOR THE INSANE

Our State has made liberal provisions for the care of her unfortunate insane. These hospitals are well equipped and I am glad to advise are conducted under superior management. By reference to their biennial reports you will observe that the general health of the patients has been good, that they have not been visited by any contagious or infectious diseases, and the financial and physical conditions of the institutions have never been better. Two years ago you provided well for their growing needs and demands. Every dollar of these appropriations has been spent carefully and judiciously. The new wing attached to the main building of Hospital No. 1 has been used by the overflow of patients for several months. There was not enough funds, however, to finish the upper stories of this

building and you will be called upon to complete it, and make other additional improvements, such as ice plant and cold storage, electric light plant, deep well, and surgical and scientific appliances.

Hospital No. 2 is also in a crowded condition. During the last biennial period a large number of patients have been admitted and it will become necessary for you to provide for their comfortable location. The management is so well pleased with the new bath house and the benefits derived therefrom that a separate building for women will be almost indispensable. All improvements made at this institution are durable and suitable and the value of all has been much enhanced by aid received from patients and institution help.

Hospital No. 3 reports its physical condition unusually good, except there seems to be an imperative need of certain appropriations in order that the best interests of the Hospital should be promoted. The management will ask you for the purchase of 160 acres of land adjacent to the Hospital and an addition to the main building for the further accommodation of the increasing number of patients, which I trust will meet with your favorable consideration.

LUNATIC ASYLUM NO. 4

The Fortieth General Assembly passed an act authorizing the establishment of an asylum for the treatment of lunatics and insane persons in this State, to be located in some one of the counties of the State embraced within the territory lying south of the forty-fourth township line and east of the sixth range line, west of the fifth principal meridian, to be known as State Lunatic Asylum No. 4, and appropriated $150,000 for the purchase of land and the erection of buildings.

Commissioners.—In conformity with the requirements of this act, I appointed Hon. J. D. Allen, Butler; Jas. Ed. Berry, Fulton; J. L. Buchanan, California; O. C. Clay, Canton, and Dr. C. H. Rigg, Middleton, as a Board of Commissioners, who on October 2, 1899, met and organized

their Board by electing J. D. Allen, chairman, and Jas. Ed. Berry, secretary.

Location.—One of the first actions performed by this Board was the selection of a location combining certain requirements specifically enumerated in the act and located within the territory heretofore designated. The following towns offered sites for location conforming with the law, and were each visited by the Board of Commissioners: DeSoto, Bismarck, Arcadia, Poplar Bluff, Dexter, Fredericktown, Farmington, and Ste. Genevieve. After due deliberation on the part of the Board of Commissioners the site offered by the town of Farmington was selected, containing 326 acres of farming land at a cost of $20,389.90, of which amount the citizens of Farmington contributed $6,500, as a bonus.

Adoption of Plan.—After inspecting a number of the recently built modern institutions of similar character in the East, and conferring with some of the leading experts of the United States, the Board of Commissioners decided to adopt the cottage system of construction and selected Mr. H. H. Hohenschild, of Rolla, as their architect, upon whose plans and under whose superintendence the institution is being erected.

A careful investigation of the scheme of building adopted leads me to believe that it possesses many advantages for the treatment of insane over the old style and commonly used contiguous or connected class of buildings. The classification of patients, the diversity of design and character of the buildings, together with the daily exercise of the patients in passing from the dining hall to the other buildings and the homelike environments of such an arrangement, are a few of the important points which commend themselves to the casual observer. A review of the report of the commissioners and the architect will give more detailed information than I can hope to include at this time.

Buildings and Improvements.—It is gratifying to me to testify to the efficiency and business-like manner in which the Board of Commissioners have discharged their duties and

the wisdom used in the expenditures of the appropriations. I doubt if the State ever erected more complete and substantial buildings for a proportionate expenditure of money. All the improvements are of a permanent character and so planned as to permit future enlargement without necessitating the remodeling or changing of any portion of the work done at this time. Contracts were awarded during the year 1900 for the following buildings and improvements:

For 5 two-story brick cottages	$73,092.00
For power house and one-fourth mile brick tunnel	17,785.00
For installation of heating and ventilation systems, including well, furnishing water supply and sewerage system	34,283.00
For cost of land after deducting bonus contributed by citizens of Farmington	13,889 90
Making total expenditure of	$139,049.90
Leaving a balance of	10,950.10

After deducting from the above balance, the per diem and necessary expenses of the Board of Commissioners and the salary of the architect, together with the additional cost of blasting rock in the bed of the tunnel throughout its entire length, which is the only extra expense incurred on this vast amount of work, there will be a balance of several thousand dollars, which will be applied to the furnishing of the cottages.

The cottages have been planned from a utilitarian standpoint, which in no manner detracts from their artistic appearance. They are of pressed brick, two stories in height, of modern construction and contain the necessary rooms and accessories so that each cottage will contain sixty patients.

The power house and engine room are of sufficient capacity to accommodate future enlargements and contain the necessary fixtures and machinery to provide heat, electric light and water for the plant, which are conducted into the buildings through a brick tunnel running the distance from the power house past each building.

Future Extensions.—To provide this institution with the necessary buildings to enable it to fulfill the objects of its establishment, and to properly care for the inmates, it is imperative that appropriations be made for the erection and furnishing of the following buildings: Superintendent's residence, dining hall, kitchen and storage building, laundry building, administration building, violent insane ward building and permanent sewerage system, requiring in all $250,000, which I recommend to be made.

MISSOURI COLONY FOR THE FEEBLE-MINDED

The Legislature of 1899 appropriated $30,000 for the establishment of a new State institution to be known as the Missouri Colony for the Feeble-Minded and Epileptic. After a careful and thorough examination of the various sites offered, the Board of Managers selected the site offered near Marshall, in Saline county, Missouri. The site chosen embraces 280 acres of land adjoining the city limits of Marshall, and was donated by the people of Saline county. The appropriation of $30,000 has been used in erecting one cottage and building the foundation for another. (The colony will be open for the reception of patients about January 15, 1901.)

The act establishing the colony provides that "there shall be furnished among other necessary structures, cottages for dormitory and domiciliary uses, the buildings for an infirmary, a school-house and a chapel, workshops for the proper teaching and productive prosecution of trades and industries; all of which structures shall be substantial and attractive, but plain and moderate in cost, and arranged on the colony or village plan."

The State of Missouri has not heretofore made provisions for the care and instruction of feeble-minded children, although it is well known that there are many such in our midst. If our population furnishes the same proportion of feeble-minded children existing in other States in which statistics are available, there must be over 1,000 feeble-minded children in the State. These children can not be

taught in our public schools, and for want of the special training suited to their capacity, they frequently degenerate into complete imbecility or idiocy.

Sixteen of the states of the Union have for a number of years maintained well-equipped schools for the care and instruction of feeble-minded children. Reports of these states prove beyond question that many of the children who are taken in an apparently helpless mental condition, have been brought by careful training into such condition that they may be discharged and sent into the world with a capacity to become self-supporting. Others, too weak to become self-directing, may become self-supporting under wise control and restraint in State institutions suited to their needs. The system of training adopted is partly manual and partly mental, but is in every case adapted to the capacity of the single patient, the ultimate aim being to render him self-supporting, if possible.

Other states have made provisions for the care and education of the feeble-minded as follows:

States.	Instructors and assistants.	Pupils.	Value of improvement and grounds.	Expenditures.
Massachusetts	107	647	$343,600	$76,234
New York	115	1,352	587,053	155,523
New Jersey	73	327	225,000	75,387
Pennsylvania	141	980	565,000	162,709
Kentucky	13	135	100,000	25,000
Ohio	89	1,096	705,870	143,231
Indiana	70	601	330,000	77,000
Illinois	16	725	350,000	130,000
Michigan	19	200	90,100	69,760
Minnesota	55	682	399,829	129,145
Iowa	75	816	315,915	123,104
Nebraska	20	216	150,000	25,000
Kansas	12	116	61,470	22,358
Washington	9	55	25,000	.....
California	40	540	560,000	80,000
Wisconsin	50	368	170,700	120,000

There are also a large number of epileptics in our State whose mental and physical condition is such that their care devolves upon the community. Many of these unfortunates are at present confined within our various State insane asylums, while others are in poorhouses, and yet many others are living in a neglected and uncared-for condition. These patients should not be placed in our insane asylums, as they are not in need of constant restraint. Other states have provided separate asylums for the epileptic, finding that the special care, which may be devoted to them in a separate institution, produces better results than are attainable when they are placed in asylums with other insane patients.

The European nations have long recognized the fact that restraint of the defective and imbecile classes is necessary to the protection of society. There are authentic records in France which give the criminal history of four generations of a single family. The mother of this family was an insane epileptic, and her progeny through four generations were insane, idiotic, imbecile, or criminal. The actual money cost to the French government on account of this single family was no less a sum than one and one-fourth million dollars.

The only justification for the expenditure of the public money is the conservation of the public good; therefore, in the establishment and support of this colony, public relief is aimed at—relief from the greater burden of individual care of these defectives, and also relief from the still greater burden of idiotic, epileptic, and insane progeny that are brought upon society by these defectives when unrestrained. No other trait, physical or mental, is so sure of reproduction in offspring as is this taint of feeble-mindedness. While sometimes the causes are accidental, the records agree that at least eighty per cent of these degenerates are such because their parents were degenerates. Viewed from a money point alone the cost of neglecting them is greater than the cost of taking proper care of them.

The act of 1899 contemplates the care of both feeble-minded children and epileptic patients by our State. The buildings are to be arranged on the colony or village plan thus enabling the management to house the different classes of patients in separate buildings, and at the same time insure better light and ventilation for the various wards, and furnish more certain protection against accidents by fire and other casualties than can be attained in a single large building.

The State of Missouri holds first rank in wealth and population. It is the only State of the first rank that has not already made some provision for the special care of both feeble-minded and epileptic patients. The Legislature of 1899 has made an initial appropriation, and the work mapped out by the act has been well performed. The one cottage completed, however, will house only a few patients. In order to place the colony in a position to accommodate those who are already asking admittance, at least ten new cottages of similar size would be required at once. Of these cottages one is needed as an infirmary, one for use as a schoolhouse and chapel, one as an administration building and the remainder as dormitories.

Suitable provisions should be made at once for the proper care of these two classes of unfortunate people, who have hitherto in our State been a burden to themselves and to society, without hope of relief. The subject is worthy the attention of the statesmen and legislators. The measure commends itself as wise and prudent, as economical, as just and as humane.

STATE FAIR

The State Fair, established by an act of the Fortieth General Assembly, the location and management of which was charged to the State Board of Agriculture, is an institution worthy of liberal support and to which I would call your most careful attention.

The Board of Agriculture, after an inspection of the sites offered and a careful examination of all propositions submitted by the several cities, located the State Fair on a

tract of one hundred and sixty acres adjacent to the City of Sedalia, of which one hundred and thirty-six acres, constituting the Fair Grounds, is conveyed directly to the State, and the remaining twenty-four acres is held in trust to be sold for the benefit of the State Fair Fund.

In making this location, the Board was largely governed by the central location of Sedalia, her splendid railroad communication with all parts of this and adjacent states, her greater population than that of competing cities, her electric railroad and two steam railroads running directly into the grounds, assuming ample facilities for handling an immense number of visitors, and conveniences in transportation of freight, a guarantee secured by bond that water mains and electric wires for light and power would be extended into the grounds, and by the beauty and adaptability of the tract offered for Fair purposes. It is estimated the value of the property, privileges and the interests secured to the State through the proposition made by the people of Sedalia and accepted by the Board, will exceed forty thousand dollars, which accrues to the State without other consideration than the permanent location and maintenance of the State Fair at that point.

The Board of Agriculture organized as a board of directors of the State Fair by electing Norman J. Colman, president; N. H. Gentry, vice-president; J. R. Rippey, secretary, and Chas. W. McAninch, treasurer. A State Fair Executive Committee, consisting of Messrs. Colman, Gentry, Maitland, Ellis, and Rippey, was placed in charge of matters pertaining to the State Fair grounds and the improvements to be made thereon.

The directory had at its disposal for equipment of grounds on the first day of January, 1900, $8,226 that had accumulated in the Treasury to the credit of the Horse Breeders' Fund and $425 in the State Fair Fund. During the year 1900 the revenues arising from the amended Breeders' bill amounted to $8,986, making a total fund available for State Fair purposes of $17,637.

It was evident that this fund was wholly inadequate to equip the grounds for State Fair purposes and that an exhibition of the State's products must wait until other funds were available with which to make improvements absolutely necessary.

But the committee, not discouraged, proceeded to expend the funds on hand in equipment of the grounds, and to the best possible advantage. Every precaution was taken to avoid mistakes and unnecessary expenditures. N. H. Gentry was selected as superintendent of grounds and construction of buildings. A civil engineer was employed to make a topographical survey of the grounds and locate and lay out the speed track. A competent architect was employed to draw plans and estimate cost of buildings. Geo. E. Kessler of Kansas City, landscape architect and engineer, was employed to draw plans and specifications for laying out, grading and otherwise improving and beautifying the grounds.

Four thousand dollars has been expended in grading the speed track. One barn has been erected for speed horses at a cost of $1,850, another for exhibition horses, costing $4,400, and a cattle barn costing $3,540. These buildings were planned after examination of like buildings on other State Fair grounds and are well suited for the purposes intended. But what has been done is but a step toward proper equipment of a State Fair. The completion of the track, the erection of an amphitheater, additional stables for horses and cattle, sheep and swine pens, poultry and dairy buildings are among the necessities that must be provided for.

Other states, some of which are not so populous as Missouri, and without her abundant sources of revenue, have found it profitable to establish and equip State Fairs costing from $300,000 to $500,000. These institutions, after being fully improved, are found to be self-supporting and are an encouragement and an advantage to industrial interests that would not now be dispensed with.

Missouri, with her superior herds of live stock, her varied agricultural, mineral and manufacturing interests

will be no exception to this rule. An exploitation of her industries, of the versatility of her soil, and her unlimited resources will command the admiration of her people and attract the attention of capital, intelligent home-seekers and of purchasers of the products of our factories, our breeding establishments and our farm products from abroad.

A liberal appropriation by the Forty-first General Assembly is absolutely essential to an exhibition in 1901, and without such an exhibition, under the terms of the act establishing the fair, the realty and the improvements thereon will revert to the donor. Liberal appropriations that will enable the directory to erect substantial structures means permanent improvements that will stand for the use of the people of the State for generations to come, while a limited fund will result in temporary buildings that must be frequently renewed and are always discreditable.

The great industrial interests of this State may very justly demand the same recognition and encouragement accorded like interests in other states. Our farmers and live stock breeders, world-leaders in their profession, representing a high type of citizenship, reliable contributors to the State's revenues; patiently sharing the burdens of taxation, while asking but few favors, should be remembered in the creditable equipment of this institution. The superiority of our herds, the high character and notable achievements of our live stock breeders and the excellence and almost unlimited variety of our agricultural products would be the pride of every Missourian when collected and placed upon annual exhibition. There can be no satisfactory reason why Missouri should not do for these material interests what other states have done for theirs. Your attention is invited to this institution, confidently relying upon your loyalty and devotion to the State's interest, for favorable and judicious action.

In this connection I will suggest that the State buildings erected at St. Louis World's Fair be so constructed of steel and planned as to be taken apart after the fair is over and be shipped to Sedalia for re-erection on State Fair

grounds, and that the law providing for the State exhibits at World's Fair provide that they be sent also to Sedalia for our State Fair.

STATE FRUIT EXPERIMENT STATION

Another of the varied products of Missouri is the fruit industry. Not many years ago fruits were regarded as little more than a luxury, now they are fast becoming a necessity and can be found on every man's table in some form as an article of daily diet.

During the past few years Missouri fruits have attracted the attention of the world by our heavy export trade and the numerous prizes awarded at the different expositions and World's Fairs. The fruit product has become an important factor in the commerce of Missouri and the industry has grown to such immense proportions that it requires official notice. The last Legislature for good and sufficient reasons enacted a law establishing a State Fruit Experiment Station, to be located in South Missouri, and under the provisions of that law I appointed three disinterested commissioners from other parts of the State, who after careful investigation of the advantages of many different places, located the Experiment Station at Mountain Grove, Wright county. The people there donated and deeded to the State a beautiful and appropriate farm of 190 acres, upon which the State, under the supervision of the trustees and manager of the institution, has erected two elegant frame cottages for the use of the manager and foreman, and one splendid experiment building of pressed brick; planted more than twenty acres of various kinds of fruits, and other improvements all at a very nominal outlay.

This is the only exclusive fruit experiment station in the United States and its possibilities and future prosperity are of incalculable benefit to the prosperity of Missouri.

It is a well known fact that home owners are always the best citizens, and that fruit growers are intelligent, moral, peaceful and patriotic.

This institution has made commendable progress under the fostering care of the present administration, and with the meager amount of State funds at its command has done well; however, it deserves and should have at the hands of the Forty-first General Assembly a good appropriation for its support and maintenance.

Appropriations for this institution unlike other institutions should be regarded as an investment for the reason that it makes direct returns therefor by adding to the wealth of the State as a result of its experiments and investigations; by searching out new varieties of fruits adapted to this latitude; by improving on the ones we have, and encouraging their growth.

The State Fruit Experiment Station is destined to make horticulture easy and profitable, thereby converting the rocky hills, sterile ridges and thin lands of the Ozark Range into happy homes, and the country now largely covered with scrubby timber will be one immense orchard, supporting thousand of happy families and can of truth be called the land of the "Big Red Apple, the Yellow Peach and the Luscious Pear."

FRANCHISE TAXATION

The objection to the payment of franchise taxes, as usually made, is that the corporations whose franchises are proposed to be taxed, have, within the limits of the taxing State certain tangible property, and that said tangible property must be valued as other like property; that upon such valuation alone can taxes be assessed and levied against corporate assets. But as has been well pointed out by the courts, the existence of intangible property is wholly ignored by this plea of the corporations, or, at least, they deny the liability of this intangible property to taxation. It has been well said, "In the complex civilization of today, a large portion of the wealth of a community consists in intangible property, and there is nothing in the nature of things, or in the limitations of the Federal Constitution which re-

strains a state from taxing at its real value said intangible property. * * * It matters not in what this intangible property consists, whether privileges, corporate franchises, contracts or obligations. It is enough that it is property, which, though intangible, exists; it has value, produces income, and passes current in the markets of the world. To ignore this intangible property, or to hold that it is not subject to taxation at its accepted value, is to eliminate from the reach of the taxing power a large portion of the wealth of the country. Now whenever separate articles of tangible property are joined together, not simply by a unity of ownership, but in a unity of use, there is not infrequently developed a property, intangible though it may be, which in value exceeds the aggregate of the value of the separate pieces of tangible property." To illustrate: Suppose a street car system in a city yields six per cent on ten millions of dollars of stock and bonds. Then the value of the stock and bonds would be at least par. And, suppose that the corporate, real and personal, tangible property of said corporation, consisting of the track, the trolley wires, the poles, power houses, etc., etc., was not worth to exceed four millions. Deducting the value of the tangible corporate real and personal property from the value of the property, in its unity of use as a street car system, there remains an income producing value of six millions of dollars, which, it is true, is intangible, but nevertheless yields a revenue; and this illustrates the proposition that in the unity of use of certain classes of property there is not infrequently developed a property, intangible though it be, which in value exceeds the aggregate of the value of the separate pieces of tangible property. If in the instance above supposed, the six millions of dollars of intangible value belonging to the street car company pays dividends, it certainly should be taxed, for whatever pays dividends should pay taxes, and whatever property is worth for purposes of income and sale, it should be worth for the purpose of taxation.

At this day to say that there can be no such intangible property as above mentioned, and that it is something of no value, is to insult the common intelligence of every man. These facts being so, it remains to determine whether or not this class of intangible property is subject to taxation by the laws of Missouri.

OUR CONSTITUTION AUTHORIZES FRANCHISE TAXATION

Section 4, Article X of the Constitution of Missouri, provides that "All property subject to taxation shall be taxed in proportion to its value."

Section 6, Article X of the Constitution, exempts certain classes of property from taxation, such as that of the State, counties and municipal corporations, cemeteries and lots in incorporated cities or towns, or within one mile of the limits thereof, to the extent of one acre, and lots one mile or more distant from such cities, or towns to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools or for purposes purely charitable, and also such other property, real or personal, as may be used exclusively for agricultural or horticultural societies.

Section 7, Article X of the Constitution provides, "All laws exempting property from taxation other than the property above enumerated, shall be void."

Section 2, Article X of said Constitution, provides the power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly; and section 21 of Article X provides that nothing contained in this section shall be construed to prohibit the General Assembly from levying a further tax on the franchises of such corporations.

I refer to these general provisions of the organic law to show that in the absence of special exemption in the Constitution itself, every class of property in Missouri is subject to taxation. This being so, the only question remaining is whether or not provision has been made by the General

Assembly for the method of assessing the tax and enforcing the collection thereof.

STATUTORY PROVISIONS

Section 9118, R. S., 1899, provides, "For the support of the government of the State, payment of the public debt, and the advancement of the public interest, taxes shall be levied on all property, real and personal, except as stated in the next section."

The next section, referred to, simply quotes the constitutional exemptions heretofore noted. It has been claimed by creditable legal authority that under this statute, and the provisions of the Constitution, the class of intangible property known as corporate franchises, is subjected to taxation; but the method for ascertaining these values, and the distribution of said values among the different counties, cities or municipalities of the State, is left somewhat in doubt by the present provisions of the revenue law, and I deem it wise to suggest that the General Assembly enact laws subjecting specifically the different classes of franchises of the various corporations in this State to the payment of taxes, and provide specific methods for the enforcement thereof.

ALL FRANCHISES SHOULD BE TAXED

All corporations should pay a franchise tax upon business transacted in Missouri, without reference to the place of their organization, and most certainly no distinction or discrimination should be made against our own corporations in favor of foreign corporations in that regard. But in framing legislation for the taxation of these intangible values it should be borne in mind "that the essentials of a system of taxation are considered to be the collection of the necessary revenue for the State, at the smallest possible expense consistent with an equal and fair distribution of the burden. The interests of the people require a method of taxation at once equitable, effective and free from unnecessary oppression, one which will yield the requisite revenue,

while subjecting them as little as possible to inquisitorial vexation, and which should be attended with the least expense for official services, and the fewest temptations to fraud, concealment and evasion." It is true that scarcely a single method of assessment of taxation is free from adverse criticism, and that in the light of the experience of centuries very few known general principles are fully and satisfactorily settled while bitter controversies arise upon apparently the most simple questions, and are waged with vigor and avidity as to matters both of substance and administration, as well on the most trivial as on vital points. But it is now well known that franchises are property, and should be taxed by some method in proportion to their value. But as the equality of taxation is the justice of taxation, care should be exercised in the levy of assessments, and collection of taxes against this class as well as all other classes of property whether belonging to a corporation or to individuals.

DIFFERENT LAWS FOR DIFFERENT CLASSES OF FRANCHISES

It is obvious at a glance that the various classes of corporations possess different kinds of franchises, and this necessarily leads to the deduction that different methods of taxation for the franchises of the several kinds of corporate intangible property must be devised. If the corporate business is one of which the corporation has, as a public service agency, a substantial monopoly, a much heavier franchise tax could be readily paid than if the corporate business was one open to free competition between corporations and individuals, and in respect of which corporations would enjoy no special privileges or advantages.

To illustrate: A given tax on the corporate franchises of a street railway company, having a practical monopoly of the transportation facilities of a city, might be just, yet the same tax on a trading company, in the same city, with which everyone might compete, would at once operate to the disadvantage of the commercial corporation. These are matters to be considered in enacting laws for the taxation of corporate franchises.

CORPORATIONS DOING INTERSTATE COMMERCE BUSINESS

There are also embarrassing legal questions that must be carefully looked after in the framing of laws for the taxation of franchises of corporations; and this is true particularly in dealing with the question of taxing the franchises of corporations, and of levying of taxes upon the capital stock thereof, which are engaged in interstate commerce business, and in this class of corporate franchise taxation care must be taken to avoid an unwarrantable regulation of interstate commerce, in order to prevent clashing with the Federal Constitution. It is apparent at a glance that a large number of the most valuable franchises in any populous State will belong to corporations doing an interstate business.

The line of decisions on this question may be divided into two general groups: first, those in which a State law has been set aside as an unwarrantable regulation of commerce; and, second, those which uphold the legislation, notwithstanding it may have had an incidental effect or influence upon that commerce. Those in the first group may be considered instances in which a State imposes a burden upon the citizens of other states doing business with its territory from which its own citizens are exempt. Likewise the nature of the subjects upon which a tax is levied is sometimes sufficient to cover it with the cloak of Federal authority and protection, as where the State passes a law taxing freight transported over a railway without regard to whether it is carried beyond the State limits or not. The transportation of freight is a constituent part of commerce itself, demanding one uniform system of regulation, being national in its character, and is exclusively within the regulating control of Congress. Transportation of passengers or merchandise through a State or from one State to another is of a like nature. Also, a tax may be within the ban of Federal inhibition by reason of being a tax upon a business itself directly or upon its earnings, methods or

agencies and which in their nature of an interstate commerce character.

In the second group are the cases that uphold the State tax upon the theory that the power to license is a police power, although it may also be exercised for the purpose of raising revenue.

Accordingly a statute has been held valid which imposed a tax upon the corporate franchise or business of every corporation or joint stock association incorporated or organized by the law of the taxing State or of any other State but doing business in the State levying the tax, and which said tax was computed by a percentage upon the whole capital stock of the corporation.

TO WHAT EXTENT FRANCHISES OF INTERSTATE COMMERCE CORPORATIONS ARE TAXABLE

In the matter of taxing the franchises of corporations engaged in interstate commerce business, the question to what extent the intangible corporate franchises or privileges are subject to state revenue laws, has been before the Federal Supreme Court, and the lines marked out for State legislation by that great tribunal must be strictly followed in the imposition of taxes in the framing of any law hoped to be effective. To illustrate, the State of Massachusetts imposed a tax upon the Western Union Telegraph Company upon its property owned and used within the State, the value of which was ascertained by comparing the length of its lines within that State with the length of its entire line. The Federal Supreme Court declared the tax to be distinctly an excise law and upheld it; the tax was levied upon the capital stock of the company.

It would be well to remember in consideration of the question of the taxation of franchises that "the right or privilege of a franchise, as it may be termed, of being a corporation is of great value to its members and is considered as property, separate and distinct from the property which the corporation itself may acquire."

The organic law of this State recognizes this franchise or privilege of being a corporation as property and makes it subject to special taxation.

In this connection, and upon the right to tax the franchises of foreign and domestic corporations, the utterance of the Federal Supreme Court will be interesting. With reference to this right of the state, that court said, "A state may impose a tax upon a corporation as an entity existing under its laws as well as upon the capital stock of the corporation and its separate corporate property. And the manner in which its value shall be assessed and the rate of taxation, however arbitrary and capricious, are mere matters of legislative discretion; except we may add, as that discretion is controlled by the organic law of the state. * * * It is not for us to suggest in any case that a more equitable mode of assessment or rate of taxation might be adopted than the one prescribed by the Legislature of the state; our only concern is with the validity of the tax; all else lies beyond the domain of our jurisdiction. The granting of the rights or privileges which constitute the franchise of a corporation being a matter resting entirely within the control of the Legislature, to be exercised in its good pleasure, it may be accompanied with any such conditions as the Legislature may deem most suitable to the public interests and policy. It may impose as a condition to the grant, as well as also to its continued exercise, the payment of a specific sum to the state each year out of the profits or gross receipts of the corporation, and may prescribe such mode in which the same shall be ascertained as may be deemed convenient and just. There is no constitutional inhibition against the Legislature taking any mode to arrive at the sum, which it will exact as a condition to the protection of the corporation and for its continued existence. There can be, therefore, no possible objection to the validity of the taxes prescribed by the statutes of a state so far as it relates to its own corporations. Nor can there be any greater objection to the same tax upon a foreign corporation doing business by its permission, within the State. As

to the foreign corporation—and all corporations in states other than the state of its creation are deemed to be foreign corporations—it can not claim the right to do business in another state to any extent unless subject to the conditions imposed by its laws. A state may exclude a foreign corporation entirely; it may restrict its business to particular localities and it may exact such security for the performance of its contracts with her citizens as in its judgment will best promote the public interests.

Only two exceptions to this right of exclusion are recognized; first, that a state can not exclude from its limits a corporation engaged in interstate and foreign commerce; the second exception is where a corporation is in the employ of the general government. Having, therefore, the absolute power, subject to the above exceptions, of excluding a foreign corporation, a state may impose such conditions upon permitting a corporation to do business within its limits as it may judge expedient; and it may take a grant of privileges, dependent upon the payment of a specific license tax, or a sum proportionate to the amount of its capital. No corporation can call in question the validity of any exaction which a state may require for the grant of its privileges. It does not lie in any foreign corporation to complain that it is subjected to the same law with the domestic corporation."

TAX ON THE WHOLE CAPITAL STOCK

If the amount of the taxes upon the corporation, where it does interstate business, is estimated according to the business or capital without the state, it might in some instances work a hardship, but the remedy would be that the tax upon a foreign corporation doing business in the state could be estimated upon only the capital employed within the state.

The capital stock of a foreign corporation doing business within this state is a proper subject of taxation in Missouri; provided, that the basis of assessment is not whole of the stock, but only that which stands for the amount of

property owned and operated in our State and the Federal Supreme Court has decided that a state may impose taxes upon a foreign corporation existing as an entity under our laws, as well as upon its capital stock or its special corporate property.

TWO LEGAL MEANINGS OF WORD "FRANCHISE"

In some states, the word "franchise" is used in two distinct senses: first, a franchise that is taxed as property for the privilege enjoyed by a corporation to exercise certain powers derived from the State; and, second, a franchise which is the mere right to exist in corporate form, without reference to the powers that under that corporate form the company may exercise; and some of the states have taxed both of these so-called franchises, and the latter franchise tax is in substance a poll tax, levied upon a domestic corporation for the right to be or exist. Such a tax is not upon property or assets, and does not in any way concern the nature of the business the company may be authorized to carry on. This class of taxation has been approved by the Federal Supreme Court, and that court has said: "The state may impose taxes upon a corporation as an entity existing under its laws, as well as upon its capital stock, or its separate corporate property."

METHODS OF LEGAL FRANCHISE TAXATION

Thus far I have dealt with general principles, but these principles must be applied to bring practical results, and perhaps it may not be inappropriate to offer a few suggestions along the lines of practical legislative enactments.

Franchise taxation is often fixed by a standard which suggests the question whether in fact the tax is not really on the corporate property which might not always be valid. Therefore, the phraseology of the statute levying this class of tax is obviously of the highest importance. A brief study of the tax systems of the various states and countries designed to reach the intangible values, and subject the same

to their proper proportion of the tax burden readily reveals that franchise taxes are levied in many different ways. On some classes of corporations it is levied by a tax on the percentage of the capital stock paid in. This kind of a tax law has been upheld in Massachusetts, and by the Federal Supreme Court. And a tax measured by the excess of the market value of all the corporate stock over and above the property otherwise taxable, has been held to be a franchise and not a property tax. Likewise, a tax on life insurance companies, measured by the value of policies in force, is held to be a franchise tax. A tax on a mining company measured by the product mined, has been sustained; also a tax on net earnings. And a tax on the capital stock, as such, and a tax measured by dividends, have each been held to be a franchise tax, and valid. A franchise tax measured by dividends may be imposed, and may be adjusted to dividends made above a certain percentage.

SEPARATE FRANCHISE VALUE FIXED

Again, in another class of corporations, it is sometimes attempted to fix the value of the franchise absolutely separate from the tangible corporate property. If this is done, it is better to establish some rule of law to be followed in ascertaining the value.

In some of the states the market value of shares of stocks and bonds, with the tangible, corporate, real and personal property deducted, is deemed to be the value of the franchise. This class of legislation would apply to water and light companies, and gas companies of this State, and perhaps the street car companies, and other similar corporations. To illustrate: If a gas company has corporate shares of stocks and bonds outstanding, at a market value of fifteen millions of dollars, and the corporate tangible real and personal property is worth five millions, then deducting the value of the real and personal corporate property, five millions, from the market value of the stocks and bonds—fifteen millions—would leave the franchise

value of ten millions, to be assessed. If the class of corporate property that happened to be assessed in this way should be a street car line extending from one city through and into other cities or towns, then this franchise value could readily be apportioned upon a mileage basis, giving to each town or county, as the case might be, its proportionate share of the franchise value, based upon the mileage within the respective territorial limits of the county or city or municipality.

TWO GENERAL CLASSES OF FRANCHISE USING CORPORATIONS

Perhaps the most natural division of franchise using corporations is into those, first, of a public service character, such as gas, water, telegraph, telephone, steam and street railroad companies, light and power companies; second, those not of a public service character strictly, such as banks, savings banks, institutions for savings, trust companies, insurance companies, etc., etc.

TRANSPORTATION AND TRANSMISSION COMPANIES

All such corporations as telegraph, telephone, steam surface and elevated street or electric railroads, steam heat, express, ferry, navigation, palace and sleeping cars, fast freight, refrigerator and palace stock car companies, might be taxed for exercising their corporate franchises in carrying on business in Missouri, by the levy of an excise or license tax, equal to a certain per cent. of their gross earnings from their transportation or transmission business originating and terminating within this State, but excluding earnings derived from a business of an interstate character. This character of law would reach most of the larger franchise using corporations of the State. Gas, water works, heating, lighting,and power companies might have an excise tax levied on their gross earnings, and a tax on a per cent. on dividends declared, or made on paid up capital stocks above a certain amount.

GENERAL FRANCHISE LAW

A general statute providing that every corporation, joint stock company or association organized under the laws of Missouri shall pay into the State Treasury an annual excise or franchise tax computed upon the amount of its capital stock within our State, at a given rate for each per cent. of dividends declared or made upon its capital stock each year, fixing an adjustable scale to be applied to those corporations declaring or earning dividends above or below a certain per cent. on the par value of their stock; and in cases where no dividend is made, fixing a certain rate upon the appraised capital employed within the State, and attaching to said enactment a provision that all foreign corporations exercising their corporate franchises in Missouri shall pay a like tax for the privilege of carrying on their business, computed upon the basis of the capital employed in the State, and then section exempting all corporations having a special statute for the taxation of their franchises from the provisions of this general enactment, would give a system that would practically reach all of the valuable intangible property of the corporations doing business in Missouri.

TELEGRAPH AND TELEPHONE FRANCHISES

It should be borne in mind that the franchises of telegraph and express companies are required to be taxed by section 9387, R. S. 1899; and that the State Board of Equalization has assessed the franchises of telegraph companies. There are many hundreds of miles of telephone lines in Missouri, however, that are untaxed, as I believe, at this time, and at least the franchises of said corporations are untaxed because no specific mode for the assessment and collection of such tax from these companies has been provided by the statutes.

RAILROAD COMPANIES

The difficulties of assessing lines of railroads which extend through many municipalities and many states in the same way that the property in general is assessed, are so great and apparent that in many states it is not attempted to assess them as other property is assessed, and a simple franchise tax is imposed as a substitute for other taxation. But in other states a railroad is listed, assessed and valued as an entirety, and the value then apportioned for taxation between the several municipalities by some standard prescribed by law, which generally is the length of line within the municipalities respectively. It has been said: "There is no constitutional objection to that method of taxing this species of property, and it is perhaps more just than any other." Our own Supreme Court, in 55 Mo. 378, distinctly laid down the above proposition, that an apportionment of the value of railroad property in the various counties or municipalities in this State, according to the length of line in each, which apportionment should be based upon the value of the entire property, was a perfectly fair and constitutional method of assessment. The Constitution of this State, section 5, article 10, provides that "All railroad corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises, and their capital stock."

It will be seen that the framers of the Constitution and the people in adopting that instrument, intended that the fullest latitude should be given the General Assembly in its power to levy taxes upon the great franchise using railroad corporations of the State. This power, however, should not be abused, so as to result in discrimination against this class of property, and I have no reason to believe that it will be. On the other hand, the railroad corporations of this State should pay on a fair valuation of their property. I do not say that they have not borne their share in pro-

portion to the taxes paid by other classes of property, but I do say that the railroads, as between themselves, should be so taxed as that the taxation will be uniform upon similar classes of property.

The method of assessing railroad property by ascertaining the entire value of the whole road, and then apportioning it upon a mileage basis to each state, in proportion to the number of miles in each commonwealth, has been sustained by the highest court of the land, and as above indicated, our Supreme Court has said that the apportionment of the value of the road bed of the railroad, according to the ratio the number of miles assessed should bear to the whole railroad, is a uniform and just manner of making the assessment. It is well known that "the value of the road-way at any given time is not the original, nor 'a fortioro,' its ultimate cost after years of expenditure in repairs and improvements. On the other hand, its value can not be determined by ascertaining the value of the land included in the road-way assessed at the market price of adjacent lands, and adding the value of the cross-ties, rails and spikes. The value of land depends largely upon the use to which it can be put and the character of the improvements upon it. The assessable value for taxation of a railroad track can only be determined by looking at the elements on which the financial condition of the company depends, its traffic, as evidenced by the rolling stock, the gross earnings, in connection with its capital stock. No local estimate of the fraction in one county of a railroad track running through several counties can be based upon sufficient data to make it at all reliable, unless, indeed, the local assessors are furnished with the means for estimating the value of the whole road."

It is apparent that this method of assessing a railroad corporation upon the mileage basis includes the assessment of all its corporate franchises, and the distribution thereof uniformly over the entire system. This brings equality of taxation, and therefore it brings justice of taxation.

The State of Pennsylvania devised a taxing system, with reference to taxation of sleeping cars, which very fairly illustrates the principle upon which a foreign transportation company transacting its business into and through our State, may be equitably taxed, and such method upheld by the courts. The principle announced by that tax system, and sustained in the court, was that the State may tax the cars of a foreign sleeping car company employed in interstate commerce, and run into and through a state, and may ascertain the proportion of the property of such company upon which a tax should be placed by taking as a basis of assessment such proportion of the capital stock of the company as the number of miles over which it runs its cars within the State bears to the whole number of miles in that and other states over which its cars are run. It will be noticed that this method of taxation contemplates a valuation of the property and franchises of a corporation, considered as a unity in use, and then distributes that value upon a mileage basis in the state imposing the tax, and as the total value of the entire corporate property includes the value of all corporate franchises it may possess, this method, it will be readily seen, taxes on an absolute basis of equality the value of the franchise in the taxing state.

FOREIGN FREIGHT CAR COMPANIES

I wish to call the attention of the General Assembly to the fact that a statute enacted for the taxation of foreign freight car companies operating independently from the railroad companies, was sustained by our Supreme Court in all its parts except as to the rate of taxation, which the court held to be in excess of the constitutional limit, and therefore inoperative, and I suggest that proper legislation be had to correct this defect in the law, in order that it may be enforced, and the fast freight lines, refrigerator and palace car companies doing business in, through and out of our State be taxed on their property in proportion to its value.

Perhaps my remarks have been somewhat general on this question, and more extended than I might have wished,

but the apology for the number of suggestions made is the importance of the subject, and in conclusion I would say that it will be found, on investigation, that most of the suggestions incorporated herein have been tried, and will be found imbedded in the tax systems of our sister states. Many of the largest corporations of this and other great states are those whose business extends from one state into many others, and it has long been a difficult problem as to how to fairly and equally tax such corporate interests so that the same might bear their just proportion of the taxes for the protection they receive, and be placed upon a plane of absolute equality in taxation matters with the individual and domestic corporations.

I beg to say, in these taxation matters, it is well to remember that it is perhaps unwise to trust too far to a theory upon which no light has been thrown by experience, and possibly it is better to follow, as far as consistent, the beaten path where it has led to satisfactory results, rather than mere rules which may involve us in confusion and difficulties. One of the striking things that will impress a person who investigates taxation questions is the fact that the enforcement of tax laws are so difficult, and it is equally obvious that a remedy for this is the proviso that the taxing power, both to assess and to collect, should be placed in a strong, centralized, administrative body, which shall have full authority to correct all abuses, and prevent inequality, and stringently enforce the laws relating to assessment of taxes and the collection thereof. Such a body, constitutionally organized, is our present State Board of Equalization, which exists under the provisions of section 18, article 10 of the State Constitution, and has by that instrument conferred upon it the power to adjust and equalize the valuation of real and personal property among the several counties in the State. It is apparent that the fixing of the values of corporate franchises for taxation and the enforcement and collection of taxes thereof, should be placed in the hands of the State authorities, and should, in my judgment, be given

alone to the elective State officials, who are directly responsible to the people for their official acts.

Of course in order for the State Board of Equalization or any other body, in which is lodged the power to levy and collect the class of taxes herein mentioned, to do its work well, such body, or its authorized agents, must have complete power to examine the business, books and records of all corporations doing business in Missouri when necessary or desirable so to do.

And aside from the mere matter of taxation some State official or officials ought to have power to investigate the business and records and acts of all corporations in order that the public might be more amply protected in dealing with them, and so that said corporations may be kept from violating the laws of the State.

RECOMMENDATIONS

CONSTITUTIONAL CONVENTION

On coming into the office of Governor, and in my biennial message, I gave my views on the subject of a constitutional convention; and now on retiring from office, I desire in a business way and as briefly as possible to direct your attention again to the subject.

Since uttering those views many of the able men of the State, including lawyers and judges, have found and called my attention to many defects and shortcomings of the present instrument, and have convinced me that the question of calling a constitutional convention is of sufficient importance to merit your serious consideration at this time.

Referring to some of the objections which are often discussed regarding the present instrument, my attention has been called in the first place to the different kinds of oaths that are administered to different officers in this State. For instance, when a member of the Legislature comes forward to be sworn, he is required to take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United

States and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law." (Section 15, article IV, Constitution of Missouri.) Under that section and in this language "any member of either house refusing to take said oath or affirmation, shall be deemed to have thereby vacated his office, and any member convicted of having violated his oath or affirmation, shall be deemed guilty of perjury and be forever thereafter disqualified from holding any office of trust and profit in this State."

On the other hand, when we turn to section 6, article XIV, of the Constitution to find the oath of office required of other officers in this State, we find this provision: "All officers, both civil and military, under the authority of this State, shall, before entering upon the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office."

You will observe that at the end of this section there is no statement made as to the failure of the officers therein named to take such official oath, as in the case of a member of either house; nor is there any provision in section 6, article XIV, that any officer convicted of having violated his oath, or affirmation, shall be deemed guilty of perjury.

Why this distinction? What was its object, end and purpose? Was it because of a distrust felt by the framers of the Constitution for the legislative branch of the government?

The present Constitution also provides that appropriations shall be made in a certain order. Experience has demonstrated that such appropriations never have been and never can be made in that order, and consequently that provision of the Constitution is violated daily and hourly when the Legislature is in session, and everybody knows it.

Another feature of distrust as to the popular branch of the government, to wit, the Legislature, is shown in limiting the time during which a revision session of the Legislature is to be held. That, the Constitution limits to 120 days. It is impossible, as experience has demonstrated in 1879, in 1889, and 1899, to successfully act as a body of revisers of a code of laws in that time.

Other shortcomings of the present Constitution call for further comment.

As I understand, under that instrument, no man can be punished for any crime unless it is ascertained beyond a reasonable doubt just in what county that crime is committed. If on a railroad train, going at twenty-five to forty miles an hour, a man is murdered during the night, though he is seen murdered by a crowd of witnesses, the murderer will go free unless it can be shown beyond a reasonable doubt just within what county lines his crime was committed. Every lawyer and court knows this to be true.

Under the present Constitution there is no existing authority by which we can raise sufficient money by taxation to inaugurate and to build a system of macadamized roads throughout the State, so that all these "Good Roads Conventions" come to nothing so long as the Constitution remains as it is. Their good intentions do not supply the funds requisite for the work. Good macadamized or turnpike roads have been aptly termed the "farmers' railroads," and it is worse than the abuse of the functions of government to tax these farmers to work dirt roads, which work is almost or totally useless, when by a comparatively small amount of money permanent roads could be built which would only require a slight cost for annual repairs. This State owing to its importance, its population, its desire to make progress in everything material to prosperity, demands we have a system of turnpikes so extensive and complete, that a man could get in his wagon at Kahoka in Clark county and drive down to Pineville in McDonald county, without getting off the pike road. But such a consummation, devoutly to be wished, will never be witnessed by this or any

subsequent generation so long as Missouri is kept in the swaddling clothes of an infant or in the strait-jacket of a madman.

A provision also is needed in regard to criminal costs in this State. The people all the time are taxed not only to pay enormous criminal costs, but a large per cent. of those costs are not allowed by law; and so far as the prosecuting attorneys are concerned, each prosecuting attorney is made judge in his own case, to pass upon the amount of his own fees and to certify thereto. It is true, the judge of the criminal or circuit court may revise and correct his work, but everybody knows that this is too infrequently done.

Eminent lawyers tell me, reform is badly needed in the judicial system in this State, and that a more cumbersome, unwieldy judicial system does not exist in any state in this Union.

The judges of the St. Louis Circuit Court and the St. Louis Court of Appeals get $5,500 per annum for their salaries; the judges of the Supreme Court get $4,500 for theirs; while the judges of the Kansas City Court of Appeals get only $3,500 for theirs, and the circuit judges in other cities outside of St. Louis get from $3,000 to $3,500 salary; while out in the rural districts circuit judges, who do as much business as those in the cities, get but $2,000 per year. Why this distinction?

Again: Frequently a judge's circuit is cut by the dividing line between the territory of the Kansas City Court of Appeals and the territory of the St. Louis Court of Appeals. The result is that on the west side of his circuit he follows the rulings of the Kansas City Court of Appeals, and on the east side of the circuit he follows the rulings of the St. Louis Court of Appeals, although those rulings may be diametrically opposite to each other.

The Constitution in regard to the jurisdiction of the Supreme Court gives constant trouble, in this particular: It provides amongst other things that the Supreme Court shall have jurisdiction in all cases involving title to real estate, and as to what this provision means has been a

constant bone of contention since the Constitution went into force.

But it is unnecessary to go over in detail all the objections urged against the present instrument to which my attention has been directed. Every amendment, and they have been numerous and always will be numerous until the people get the redress that they want by having a Constitutional Convention called, is a confession in open court, it seems to me, that the present instrument is insufficient, to meet fully the demands of the people. Not that I am willing to see any of the safeguards which the present Constitution contains thrown down, but leaving them stand, there is ample room for provisions which are as much needed as the most conservative provisions that instrument now contains.

It is true that amendments could be submitted to cover such deficiencies as at present exist, but a Constitution is very much like a coat—whenever it gets so that it has to be patched all over it would be better to get a new coat.

In the event of calling a Constitutional Convention, the proposition of whether the people desire to hold a Constitutional Convention is to be voted on first. Then if it is decided to hold a Constitutional Convention, an election is to be held for that Convention on the proclamation of the Governor. Then after the Convention has done its work the people still have a say-so as to whether that Constitution, shall be adopted or not.

INITIATIVE AND REFERENDUM

I submit for your earnest consideration whether, either our organic or statutory law should not be so amended as to reserve directly to the people, both the power to initiate and the right to have referred to them for their ratification, or rejection, matters of important legislation.

It may be objected that to apply the initiative and referendum to every minor legislative act would be too expensive and cumbrous. In deference to such objectors

and in a spirit of conservatism and caution the system might be adopted embracing only such important acts as involved grave interests of the people. Having thus instituted the system and put it to the test it could be extended from time to time as wisdom and experience might dictate.

Such a method of legislation would tend largely to limit the evil practices of boodlers and bribe-givers. They would hesitate to spend their money corrupting the representatives of the people if they knew that any law which they might procure to be enacted could not become operative until the people themselves had ratified it.

It is at least doubtful whether the system is not a necessity to the continued existence of our free institutions. The tendency of the times is toward a concentration of both all wealth and all power in the hands of a favored oligarchy. To prevent this the people themselves must hold the reins of government. Mr. Jefferson has well said: "The further the departure from direct and constant control by the citizens the less has the government of the ingredient of republicanism."

A NEW LIBEL LAW

The reckless and vituperative abuse of public officers, not only in their public but in their private lives, has become a crying evil of the times, and the passage of some law which will protect the officer and at the same time secure to the public the fullest measure of right to report the acts of public officials, comment upon such acts and fairly criticise them, is peculiarly demanded at this time at your hands.

Our Constitution (sec. 14, art. II) provides: "That no law shall be passed impairing the freedom of speech; that every person shall be free to say, write or publish whatever he will on any subject, being responsible for all abuse of that liberty," etc. Our statutes (sec. 2259, R. S. 1899) define a libel as follows: "A libel is the malicious defamation of a person made public by any printing, writing, sign, picture, representation or effigy tending to provoke him to wrath or expose him to public hatred, contempt or ridicule

or to deprive him of the benefits of public confidence and social intercourse or any malicious defamation made public as aforesaid, designed to blacken and villify the memory of one who is dead, and tending to scandalize or provoke his surviving relatives and friends."

A half century ago, comments on government, officers of State or members of Legislatures or judges and other public functionaries, were punished not only by private libel suits but also by public prosecutions. Gradually the stringency of this rule has been relaxed, so that it is now said: "Everyone has a right to comment on matters of a public interest and general concern, provided he does so fairly and with an honest purpose. Such comments are not libelous, however severe in their terms, unless they are written intemperately and maliciously. Every citizen has full freedom of speech on such subjects but he must not abuse it." It has also been well said: "True criticism differs from defamation in the following particulars: (1) Criticism deals only with such things as invite public attention, or call for public comment. It does not follow a public man into his private life, or pry into his domestic concerns. (2) Criticism never attacks the individual, but only his work. Such work may be either the policy of a government, the action of a member of parliament, a public entertainment, a book published, or a picture exhibited. In every case the attack is on a man's acts, or on something, and not upon the man himself. A true critic never indulges in personalities, but confines himself to the merits of the subject-matter. (3) True criticism never imputes or insinuates dishonorable motives (unless justice absolutely requires it, and then only on the clearest proof). (4) The critic never takes advantage of the occasion to gratify private malice, or to attain any other object beyond the fair discussion of matters of public interest, and the judicious guidance of the public taste. He will carefully examine the production before him, and then honestly and fearlessly state his true opinion of it."

It has also been aptly pointed out: "The distinction can not be too clearly borne in mind between comment or criticism and allegation of fact, such as that disgraceful acts have been committed or discreditable language used. It is one thing to comment upon or criticise, even with severity, the acknowledged or proven acts of a public man, and quite another to assert that he has been guilty of particular acts of misconduct." * * * "But all comments must be fair and honest. Matters of public interest must be discussed temperately. Wicked and corrupt motives should never be wantonly assigned. And it will be no defense that the writer, at the time he wrote, honestly believed in the truth of the charges he was making, if such charges be made recklessly, unreasonably and without any foundation in fact." "Every subject has a right to comment upon the acts of public men which concern him as a subject, if he do not make his commentary a cloak for malice and slander." In New York, Massachusetts and West Virginia no attack is allowed even on the public character of any public officer, and it is no defense that the defendant honestly believed in the truth of the charge. But even in the other states, where an attack upon a public officer is placed upon a different footing from a similar attack upon a private citizen, it is the rule that the attack must be upon the act, not upon the man, and must not be couched in intemperate language, and must not be made a cloak for malice or slander.

I heartily indorse the freedom of speech secured by the Constitution and subscribe to the definition of a libel given by our Statute, but it is imperatively necessary at this time to enact suitable laws to adequately and swiftly curb and punish the abuse of the privilege of free speech. Our Statutes are defective or rather entirely without a prescribed remedy in this regard. It has become the practice and stock in trade of some people to abuse, malign, slander, libel, ridicule and insult every officer, not only as to his public acts, but also in respect to his most sacred private life. The language employed is often gross, indecent and the

most repulsive billingsgate. The old remedy of holding the author to personal account seems to be no longer deemed proper or available. The only remedy now provided by law is a libel proceeding, civil or criminal, or both. The results in such cases have not proved adequate. The common juries have not yet progressed with the enlightened policy of the law, and the damages awarded, even when the defendant has been adjudged guilty, have not been sufficient to compensate the person libeled for his loss of time and money in the prosecution of the suit, nor to punish the libeler severely enough to deter him or others from repeating the offense. In fact the damages awarded have nearly always been so absurdly small as to cause the libeler to say that the jury found that he was guilty of libel but they also found that the plaintiff had so little character to lose that the jury only assessed his damages at a nominal sum. Thus the present law is inadequate to protect the officer or to keep libelers within legal bounds. If one moiety of what has been said against public officers is true, they should be in the penitentiary and not in office. If it is not true, such officers have had to suffer a grievous wrong because there is no adequate remedy provided by law to punish or deter reckless and wanton persons for untrue and villainous attacks that have been made by those whose souls are so unclean and whose consciences are so blunted that they rejoice with ghoulish glee over the assassination of the good names of those whom the people have chosen for their rulers—the while snarling with devilish hatred because the people, knowing their unworthiness, would not elect them to any place of public trust or confidence. It is such human vultures that need to be exposed and punished. I would suggest that it should be the duty of every judge when empaneling a grand jury to call their attention to any charges that have been published or circulated affecting the acts of any public officials, whether official or private, and to direct the grand jury to investigate such charges and if they were found to be true to indict the officer charged but if the charges were not found to be true, then to indict

the person making the charge for libel or slander, and to make the offense of libeling or slandering a public officer a felony punishable by imprisonment in the penitentiary not less than ten nor more than fifty years. This would speedily root out unfaithful public officers, and at the same time would put a stop to the shameless and disgraceful fashion of the hour in some quarters of recklessly and wantonly charging every public officer with misfeasance, malfeasance and corruption in office, and of being an offender against every canon of the criminal and moral laws. In this way the freedom of speech secured by the Constitution would be preserved to the honest, law-abiding citizens who have a decent respect for the rights and reputation of others, while faithless public officers would be quickly discovered and punished, and at the same time the human ghouls in society would be punished for their abuse of the freedom of speech, and be put where they could not harm other people and society in general.

BANKING BUREAU

I desire to urge you again to give the matter of the establishment of a Banking Bureau in Missouri your careful consideration. Two or more Governors have called the attention of the General Assemblies to the importance of this legislation. The banking laws in Missouri as they now stand are crude and far from perfect. Banking supervision, when left in the charge of a State officer, who has already all the work he ought to be expected to do, in meeting the legitimate demands upon him, can not but be of secondary importance to him and more or less of a farce. The Bank Commissioner to be placed at the head of this bureau should be a trained business man, and should be appointed by the Governor. The office should be removed as far as possible from politics.

As I stated in my message to the Fortieth General Assembly, in January, 1899, all expenses of the Banking Bureau should be met by a tax, levied in proper form on the

institutions committed to the management of the Commissioner. The total resources of the banks and the building and loan associations of the State at that time were $134,-174,453.31. An annual tax upon these resources of about one sixty-sixth of one per cent. would raise enough revenue to pay the following salaries of officers, and all other expenses of the Bureau.

Commissioner, per annum	$3,000
Chief Clerk, per annum	2,000
Three bookkeepers, per annum	3,600
Three bank examiners, per annum	4,500
Two building and loan examiners, per annum	3,000
Stenographer, per annum	900
All other expenses	3,000
Total per annum	$20,000

There is no more reason for the Banking Department being in the office of the Secretary of State, it matters not how successful a business man the Secretary may be, than for it being in the Geological Department, the Insurance Department, or in the Penitentiary.

It is hoped by not only bankers themselves, who favor the most rigid inspection laws, but their patrons as well, who constitute a very large per cent. of our population, that this General Assembly will appreciate the importance of the suggestions coming from three or more Governors along these lines, and will enact a proper law establishing a Banking Bureau which the Governor will place in proper hands.

To this end I invite your careful attention and endeavor.

BOARD OF PARDONS

I had the pleasure of recommending to your honorable body two years ago the passage of a measure looking towards the relief of the Governor in pardoning matters. I thought at that time a Board should be created to examine all applications for pardon from the penitentiary, jails, workhouses,

and for the remission of fines imposed; having had more experience I am now more thoroughly convinced than ever that such a law should be spread upon our Statutes. One or two Governors before me have made similar recommendations, as has our "Board of Charities and Corrections." I have endeavored to deal as patiently as my time would permit with those presenting applications for executive relief, but often on account of pressure of other important matters my immediate attention could not be given to these appeals. There are now on file in this office perhaps fifteen hundred petitions for clemency, and it can be readily seen that all can not be examined unless other duties of the department are neglected. There are no doubt many meritorious cases among this number than should be given the consideration they deserve, and I therefore recommend again that you create what is commonly known as a "Board of Pardons," or "Board of Recommendations."

The Constitution authorizes the Governor to exercise the pardoning power, and the passage of this measure would not divest him of this prerogative. The Board could only be empowered to examine into the merits and demerits of all applications for pardons, remissions of fines and commutations of sentence, and report their findings and recommendations to the Executive for his consideration and action.

Such a Board as I have suggested has been established in Maine, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Pennsylvania, Utah, Washington, Louisiana, Kansas, Illinois, Florida, Connecticut, Colorado, and, if I am not mistaken, in several other states. A bill establishing such a Board, submitted to the last General Assembly, known as the "Miller bill," passed the Senate almost unanimously, but lacked a few votes of getting a constitutional majority in the House.

IMPROVEMENT OF PUBLIC ROADS

The subject of public roads—how to make and maintain them of a satisfactory and substantial character—directly

concerns every citizen of our State, and the almost universal agitation of this question throughout the country indicates that farmers and business men generally realize the urgent necessity of prompt and energetic efforts for the improvement of our public highways. While our Revised Statutes contain over three hundred sections devoted to road laws, there is a manifest lack of uniformity in their application. The demand for a general and comprehensive system for road-making and road improvement is so pressing as to suggest the advisability of such legislation at this time as will, eliminate existing contradictory provisions and indicate a specific plan comprehensive and uniform in its application, for the speedy betterment of the public roads. The means now available for road construction, if systematically and judiciously applied, would soon produce noticeable improvement in the public roads throughout Missouri.

ST. LOUIS STREET RAILWAY STRIKE

Early in 1900 a dispute arose between the St. Louis Transit Company and its employes over wages, hours of labor and other matters, which threatened to culminate in a strike of the employes of said company, but on March 10 an agreement was entered into which appeared to amicably adjust the differences between the parties directly interested. Soon thereafter a movement was started to organize the employes of said company into what is known as the "Amalgamated Association of Street Car Employes of America." Upon the refusal of the officers of the Transit Company to comply with certain demands made by the members of the association, chief among which was the formal recognition of their union, a general strike was ordered by the officers of the association on May 7.

Prior to the agreement of March 10, in accordance with the provisions of existing arbitration laws, Labor Commissioner Thomas P. Rixey tendered his services as mediator of the dispute, but was assured that the parties interested would be able to reach a satisfactory adjustment without

assistance. When the strike was declared on May 7, Mr. Rixey again endeavored to have the differences between the Transit Company and its employes arbitrated, but was answered by the officers of the company that as there was no dispute between it and its (then) present employes, it had nothing to arbitrate. A citizens' committee, composed of prominent business men, was formed for the purpose of effecting a settlement of the differences between the Transit Company and its striking employes, but did not succeed. Approximately 3,000 street car employes were engaged in this strike, which continued for a considerable time. It was estimated, the company lost about one million dollars, the employes about two hundred and fifty thousand dollars, and the business interests of St. Louis and the surrounding country several millions of dollars, through obstructed and diverted trade, not taking into consideration the loss to the reputation of the city and the State. During the existence of this strike considerable lawlessness prevailed, resulting in the death of fourteen persons, the wounding of many more and the destruction of much property. Urgent and repeated appeals were made to me by the officers of the city of St. Louis and others more or less interested to order out the State Militia to suppress the disorder; but believing that the police powers conferred upon the municipal officials, if properly invoked, were fully equal to the suppression of all lawlessness and the restoration of peace and good order, and that military force should only be applied as a last resort, I persistently refused to order out the militia. The Police Board and the Sheriff, through an increase of their forces, restored order and business gradually assumed its normal condition. This strike demonstrated the insufficiency of our present arbitration laws. The general public is concerned in all disputes between employers and their employes and this is especially true where the employer is engaged in conducting a public utility the interruption of which interferes with the pleasure, convenience or material interests of the public. The consensus of intelligent public sentiment favors the settlement of all

such disputes between employers and their employes by arbitration. Many of the states now have arbitration boards whose efforts appear to result very satisfactorily to all concerned.

Your attention is respectfully directed to this subject with the confident belief that you will give it such consideration as its importance merits.

BOARD OF EMBALMING

Commencing with the May meeting, 1897, of the State Board of Embalming, 163 licenses have been granted undertakers to practice the art of embalming, and to this date there are altogether in the State 327 embalmers of good standing.

In the month of January, 1898, the Board met with the State Board of Health, and after conferring and investigating the probable advantages that a co-operation of the two Boards would be to the good of the public health, they agreed to a joint shipping paster and adopted the rules of the State Board of Health and the American Association of General Baggage Agents for the transportation of the dead.

This Board has been conducive to much good by practically running quack embalmers out of business, and it is hoped their splendid work will receive encouragement at your hands.

BOARD OF EXAMINERS OF BARBERS

During the Fortieth General Assembly you created by enactment a Board of Examiners for Barbers, and in accordance therewith I appointed three representative barbers members of that Board, who qualified on August 26, 1899. From that date until January 1, 1900, there were issued in St. Louis, Kansas City and St. Joseph 2,440 licenses, and from January 1, 1900, to December 1, 1900, there were issued in said cities 2,108 licenses.

The Board reports that the efficiency and workmanship of barbers throughout these cities have improved to a

marked degree, and as this is strictly a sanitary measure, and designed to serve the best interests of the people, it is their opinion, and that of the better class of barbers, that the law should be so amended as to apply not only to the cities of St. Louis, Kansas City and St. Joseph, but to the entire State, and should be strictly enforced.

RAILROAD AND WAREHOUSE COMMISSION

At the session of each Legislature for years past, bills have been introduced in the House and Senate to repeal the law and abolish altogether the office of Railroad and Warehouse Commissioners, while others have been introduced modifying the law by placing the office in control of one commissioner instead of three. From time to time these bills have received at the hands of the Legislature no little attention, and the questions involved are developing into much importance. I have never thought the burdens and duties of the office commanded the entire time and attention of the three commissioners, and since the department has come under my immediate observation I have become convinced that one commissioner can perform the duties required as well if not better than three. An appropriation of $26,600 is made every two years for the salaries and expenses of the Commissioners, Secretary, and for the contingent expenses of the office, while one-half that amount could be made to serve the purposes.

I do not believe there is any more necessity for three Railroad and Warehouse Commissioners than there is for three officers at the head of any other State Department. I would, therefore, recommend that your honorable body amend the law so that at the expiration of the terms of the present commissioners, one commissioner shall be appointed by the Governor, for a term of four years, at a salary of $3,000 per annum, with necessary clerical force and contingent expenses.

GAME AND FISH LEGISLATION

I am heartily in favor of more stringent game and fish laws. At present our Statutes upon this subject give us but little protection, and unless something is done to prevent the wholesale dynamiting of the fish in our streams, and the slaughtering of our game in the woods and upon our prairies, there will soon be no occasion for any legislation upon the question at all. The State Game and Fish Warden, Hon. A. J. D. Burford, has proved a most efficient officer, but he has been handicapped in the enforcement of the laws as they now stand, by the absence of funds. Since his incumbency he has caused many arrests to be made, and has secured convictions in various counties of the State at his own expense.

Several states in our immediate neighborhood have laws providing for the collection of good fees, in case of conviction of violation of the law which go into the State Treasury, subject to the disposal of the State Warden. These fees are used for the defrayal of expenses incurred in enforcing the laws. In Arkansas a license of $25 is imposed upon foreign pothunters and professional market men. Should this kind of a law be adopted in Missouri all these license fees and those resulting from convictions would enable the Warden to successfully and fearlessly enforce the laws without cost of any kind to the State.

PAN-AMERICAN EXPOSITION

Without any express authority of law, but at the request of the management of the Pan-American Exposition, to be held at Buffalo, N. Y., in 1901, I have appointed a number of gentlemen and ladies to serve as commissioners to prepare and arrange an exhibit of the resources of Missouri at such exposition. The commissioners thus designated at once organized by the election of Hon. Alex. G. Cochran of St. Louis as president; Chas. W. Green of Brookfield as vice-president; Robert M. Yost of St. Louis as secretary, and Wm. B. Thompson of St. Louis as treasurer.

Frequent meetings were held during the summer, and I was kept advised of the progress of the work. Though without a dollar of appropriation the commissioners have collected a large and splendid exhibit of the agricultural and horticultural resources of Missouri and have in process of collection many exhibits of mines, manufactures, live stock, educational facilities, arts and sciences, etc.

The management at Buffalo meanwhile has designated upon my recommendation, Ex-Gov. David R. Francis of St. Louis and J. J. Swofford of Kansas City as vice-presidents of the Pan-American Exposition, and Mrs. A. M. Dockery of Gallatin, and Mrs. J. H. Cutten of Jefferson City, to represent Missouri in the department of Woman's Work.

The Missouri commissioners have conditionally contracted for space at the exposition and have their work otherwise in a condition of progress which now requires an appropriation of money by the State to perfect it.

I therefore recommend an appropriation for that purpose. The Pan-American Exposition should be especially utilized by Missouri as an advance agent of our World's Fair of 1903, and it would not look well for us—of all states in the Union—to make a poor or beggarly showing before the nations of the earth that will have representatives at Buffalo. I urge this subject upon your immediate attention because the Pan-American Exposition will open May 1, 1901, and there is not a day to be lost if Missouri is to have proper and adequate representation. The character and standing of the commissioners I have appointed are abundant security that any money appropriated will be wisely and economically expended by them.

At the last session a bill appropriating $25,000 passed the Senate by practically a unanimous vote, but having been introduced quite late, failed to reach the House.

MONUMENT TO JUDGE WILLIAM SCOTT

Missouri has produced many able, incorruptible judges, and we are justly proud of the judicial history of the State, and especially of the opinions of our Supreme Court. In no

other branch of civil service is the demand so great for arduous continuous thought and labor, and in proportion to the service rendered in no branch is the compensation so unsatisfactory. We expect and demand that our judges shall be able, clean and honest, and yet on account of salaries we pay them they invariably die without a competence when they retire from office; or if they die in office, their families are left in need.

This leads me to call your attention to a fact which the bar of the State have for several years lamented. Among the names of the judges whose learning has enriched our Supreme Court Reports none is honored more than that of Judge William Scott. Indeed, it is not considered any disparagement of the other great judges to say that it is the concensus of opinion that Judge Scott stands at the head of the list of our Supreme Judges in the estimation of his successors on the bench, and the leaders of the Bar of the State.

Judge Scott was born in Fauqueir county, Virginia, June 7, 1804. He came to Missouri in 1827 and settled at Old Franklin. In 1834 he was appointed circuit attorney for the judicial district east of Jefferson City, and made his home at Union. Upon the resignation of Judge McGirk, in 1841, Judge Scott was appointed to the Supreme Bench. He was the friend and associate of Leonard, Ryland, Napton, Ewing and Richardson on the bench—at a time which has been denominated, "the golden age" of the Supreme Court of Missouri.

Judge Scott served the State as judge of the Supreme Court for about eighteen years. He died in 1862 and was buried on his farm about eight miles west of Jefferson City on the Boonville road. His farm subsequently passed out of the ownership of his heirs, and today is occupied by tenants. His grave is now in a horse lot, uninclosed by a fence or other protection and the stock trample upon it with impunity.

Missouri owes too much to this distinguished son and great jurist to permit this condition of things to longer exist. I therefore recommend that you provide for obtaining the

consent of his family to the removal of his remains to the State's lot in the Cemetery at Jefferson City, and that you appropriate a proper sum to erect a suitable monument over his grave. A people which takes no pride in its ancestors and great men can never hope to accomplish anything of which its descendants will be proud. We are proud of our Scotts, Leonards and Naptons, and should leave monuments to attest our pride.

MONUMENTS TO GOVERNORS MCCLURG AND FLETCHER

During the four years of my administration death has claimed two distinguished sons of Missouri, both of whom had been honored by election to the highest office in the gift of our people—that of Governor of the State.

Thomas C. Fletcher was born in Jefferson county, Missouri, January 22, 1827, and by his own earnest work remedied the defects of a very meager education received when a boy, and in 1856 was admitted to the practice of law. In 1860 he advocated the election of Abraham Lincoln, and subsequently became prominent among the supporters of the Union. He recruited the 31st Regiment of Missouri Volunteers and was made the Colonel. He was wounded and captured in 1863, during the Vicksburg campaign. Afterwards, in 1864, whilst acting Brigadier General in Sherman's army, he was nominated and elected Governor of Missouri. The latter years of his life were passed in Washington City, where he died in 1898.

Joseph W. McClurg was born in St. Louis county, Missouri, January 22, 1818. He practiced law in Missouri for two years, and then became engaged in mercantile business, locating at Linn Creek, Camden county, Missouri, where he was interested in very extensive operations. He was a strong Union man, and was in command of a regiment of Home Guards in 1861-62. In 1862 he was elected to Congress as a Republican, and served until 1869, when he resigned to become Governor of Missouri. He died at Lebanon, Missouri, in November, 1900.

These men were called to the gubernatorial chair in troublous times, and whilst a majority of the citizens of Missouri do not indorse the political principles or some of the official acts of Governors Fletcher and McClurg, it is well to remember that during their terms of office party lines were most rigidly drawn and sectional strife was at its height. They were Governors of our beloved State, and no doubt did their duty as they saw it, and it is reasonable to assume that they were influenced by what appeared to them worthy motives.

It would seem but proper that these men should be remembered by their State by appropriate monuments, as in the case of the lamented John S. Marmaduke, and I would call the attention of this matter to the consideration of the General Assembly believing that favorable action in the manner indicated will meet with the approval of a large majority of the citizens of Missouri.

WORLD'S FAIR—LOUISIANA PURCHASE EXPOSITION

The centennial of the acquisition of the Louisiana Territory will occur in 1903. It is not only proper but incumbent upon the states and territories within that extensive and resourceful area, to commemorate so great an event. At the request of the citizens of St. Louis I called a convention on January 10, 1899, of delegates from the Louisiana states and territories to consider such a celebration. The Convention was composed of representative citizens from thirteen of the states and two territories, and after two days' deliberation it decided that nothing less than an international exposition, fostered by the Federal Government and participated in by all of its states and possessions, as well as by every civilized country of the globe, would fitly mark the completion of a century so important, not only in the history of the United States, but of civilization and society. That convention realizing that Missouri is the most populous and the wealthiest State in the Purchase and that St. Louis is the largest and most accessible city, selected that metropolis as the location of the Exposition.

Your predecessors, the Fortieth General Assembly, recognized the significance of the celebration, and the magnitude of the enterprise, by submitting to the people of the State a constitutional amendment authorizing the city of St. Louis to increase its bonded debt in the sum of $5,000,000 in aid of the Exposition, and also a constitutional amendment authorizing the General Assembly to appropriate $1,000,000 out of the interest and sinking fund to defray the expense of a State exhibit at the aforesaid Exposition. These amendments were not only carried by substantial majorities, but were approved by the people of the State in a spirit which indicated that their patriotic impulses and their state pride were thoroughly enlisted toward making the Exposition a credit to the commonwealth, and commensurate in every respect with an accomplishment which has contributed more than any other event in our history since the formation of the Government toward its perpetuity. It is an honor to Missouri to have such an Exposition located within her borders. The people of St. Louis with commendable liberality and enterprise, have raised by private subscription a fund of $5,000,000 for the incorporation of a Louisiana Purchase Exposition company. Furthermore, the Federal Government has through the almost unanimous vote of both Houses of Congress, approved by the President, recognized the Exposition and pledged aid thereto in the sum of $5,000,000. Invitations will be extended by the administration at Washington to all the nations of the world to participate in the Exposition, and during its continuance the rulers of monarchies, the Presidents of our sister Republics, and all who are eminent in art, science and philanthrophy will doubtless be entertained as guests of the United States, of Missouri, and of St. Louis.

The material benefits to Missouri that will result from such an Exposition are unquestionable and incalculable. The diversified and immense resources of the State, for whose display our people have made such liberal provision, will compete favorably with those from any other section of the globe of like area, and will attract immigration and

capital in such numbers and amount as will give to their further development an impetus, already too long delayed. All the states and territories in the Louisiana Purchase cherish a proprietary interest in this Exposition, and no doubt everyone of them, and in fact every state in the Union, will have on the grounds an exhibit of its raw and manufactured products, as well as a State building at which its citizens will congregate. More, however, will be expected of Missouri than of any other State in the Union.

The people of St. Louis planned this Exposition on a greater scale, having decided that $15,000,000 must be secured before the corporation shall be formed or the site selected. In pledging themselves, however, to provide $10,000,000 of that $15,000,000 they have certainly assumed their share of the burden, as none of that $10,000,000 will be procured or expected from any people of Missouri outside of the city of St. Louis. Furthermore, as St. Louis pays about two-fifths of the State taxes, it will contribute two-fifths of the one million voted by the people for the State exhibit. I am sure, therefore, that you will be prompt to carry out the wishes of the people as expressed at the polls, and follow their instructions by appropriating $1,000,000 during the early days of the session.

Each House of the last General Assembly had a Louisiana Purchase Exposition Committee and I take it for granted like committees will be appointed by the present Assembly, as additional legislation may be required by the Exposition Company in condemning land for a site, in policing the grounds, and in making them easily accessible from interior parts of the State, as well as from every section of the city of St. Louis. If the Exposition should be held in the year 1903 as is now contemplated, the present General Assembly will be called upon to enact all of this legislation, as the next Assembly will convene only a few months before the opening of the Exposition. I recommend, therefore, that you create a Louisiana Purchase Exposition Commission, to which will be entrusted the collection of Missouri products and the arrangements for their display; and the erection of an im-

posing State building on the Exposition grounds. Such a Commission would be representative if composed of fifteen members, one from each of the Congressional districts, and to their number might be added, not exceeding two members, from the State at large. The administration expenses of such a Commission should be limited to the extent possible, as patriotic citizens of judgment and ability can no doubt be found who will give their services to so worthy a cause without compensation other than actual expenses incurred.

CONCLUSION

With this communication the reins of the State Government will virtually pass into the hands of my successor, who carries with him my profoundest sympathy, my kindest personal feelings, and my good wishes for his happiness, and the success of his administration upon which he so auspiciously enters.

During the four years of my incumbency as your Chief Executive, I have endeavored to perform the duties devolving upon me conscientiously and fearlessly, and for the best interests of all concerned. While many of my official acts have not met with universal favor, I have the consolation of knowing I did what I thought was right, and performed my duty as I saw it.

In my inaugural address, and last biennial message, I took occasion to recommend the adoption of many measures, which were enacted into law, and which I hope will prove beneficial to all our people.

I trust your present body, in its wisdom, will hew to the line, proceed at once upon the business for which you have been chosen, and will not consume too much time squandering the people's money in idleness, and in debating over trifling matters, to the injury and neglect of more important ones. It is to be hoped that this body of representative Missourians, sent by interested and intelligent citizens and taxpayers to protect and promote their general

interests, will be cautious and conservative in dispensing funds for our State Government, boards and institutions and for useless clerks which went so far to damage the reputation of the Fortieth General Assembly. You can be liberal and yet not extravagant; you can exercise economy without being niggardly. Wise, careful, and judicious appropriations, meeting the public demands, will receive the plaudits of your constituency.

My social, political and official relations with brother officers have been ever pleasant and helpful to me. My long official stay at the capitol has not only endeared to me my immediate associates, but has brought me in such close touch with the people from every section of my native State, that I shall love and honor them forever, and miss no opportunity to advance their interests along all lines.

When nominated by my party as its standard bearer in 1896, in my speech of acceptance, I said: "If God spares my life I will help carry the banner you have placed in my hands to victory, but I will not promise you that I will make a record that will compare with that of that grand old Roman, John S. Phelps, or with that of that eminent jurist, Silas Woodson, who had the honor of defeating my own father for this nomination, or with that of that noble Christian gentleman, Charles H. Hardin, or with that of the handsome and chivalrous Thomas T. Crittenden, or with that of the brave and honest John S. Marmaduke, or with that of that princely gentleman, A. P. Morehouse, or with that of the dashing and brilliant David R. Francis, or with that of our own fearless and eloquent leader, William J. Stone, but I will promise you, God helping me, I will do the best I can, and I will let the future historian write the story. If he says I was just, fair and patient, and that I was without prejudice, but that I had a heart which always beat in sympathy with the struggling masses, if he says that I attended to the duties of the office with assiduity and devotion, that my administration was clean, practical and business like, that I loved Missouri and my friends, and that I inaugurated many business reforms which proved profit-

able to the taxpayers and satisfactory to the public generally, I will be happy, I will be satisfied, I will be content."

The record is now made. Nothing I can say or do, or you can say or do, can change it. It will stand forever to our credit or discredit. I have, as I promised, done my best. It can at least be said no scandal attaches to my administration—I have brought no dishonor to the exalted position to which my countrymen elected me. To my friends, who have been ever loyal and faithful, I am profoundly grateful. Of my enemies, who have kept me from growing conceited, and who have kept me constantly upon the alert, I am not unappreciative. They have served me well. With good-will to all and malice to none my work is finished. May God continue to bless Old Missouri, and may He guide, direct, protect and defend my successor, is my farewell prayer.

LON V. STEPHENS,
Governor of Missouri.

VETO MESSAGES

TO THE SENATE

MARCH 8, 1897

From the Journal of the Senate, pp. 473-475

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 8, 1897.

To the President of the Senate:

Sir—I have the honor herewith to return to the Senate, without my approval indorsed thereon, Senate bill No. 3, entitled

"An act providing for inflicting the death penalty."

I take it from my knowledge of the bill that it was the intention of its author to secure privacy in future executions. Sections 4258 and 4259, R. S. 1889, already provide that the execution shall be private, and designate a limited number of spectators thereof. Section 1 of the new bill simply changes the place of execution, and provides for no more privacy than the present law. The only noticeable change made by section 1 is that all executions are made to occur at one place and remote from the locality and community where the offense is committed.

I think the enactment of this bill into law would increase alarmingly the number of executions annually in Missouri. Many jurors would vote to inflict the death penalty, if the execution is to be in the State prison, while they would vote against inflicting it if the execution was to be in their own county. "The right to punish individuals for the commission of crime rests upon the broad foundation of public necessity." The true object of the infliction of legal punishment is to prevent crime. The object of the law in punishment is the reformation and purification of society. "The terror of the example of the offender remains as a

warning to other citizens." If the principle of punishment as an example to deter others from the commission of like offenses is sound, why remove the end, the aim, the warning of the execution with its terrible lesson from the presence of those among whom the crime was committed? It seems to me the removal of the execution from the scene of the crime would be removing the main purpose of punishment, to wit, the example, from the persons to whom the law intends the punishment as a warning. If the penalty is not inflicted as an example and a warning, it cannot certainly be justified upon the ground of vengeance. If the theory of local self-government should be applied in the trial of an offender, compelling the case to be heard and the punishment assessed in the community where the crime is committed, I think equally strong reasons exist for the final act, the end of the law, the execution, taking place in the same vicinage. The same authorities and powers should execute the law who decree the infliction of the punishment. This has ever been the theory of the common law and the law of this State with regard to the infliction of capital punishment.

But section 2 of the act provides that within five days after the sentence the sheriff shall convey the prisoner to the State prison, there to be kept to the day of his execution. Section 4239, Revised Statutes, 1889, makes it the duty of the court to sentence the prisoner after a verdict is rendered and the usual motion for a new trial and in arrest of judgment are overruled. Section 4277, Revised Statutes, 1889, provides that an appeal to the Supreme Court shall be allowed the defendant if applied for during the term. In a great many instances the term of court will last much longer than five days after the sentence. Under this bill the prisoner must be taken away, removed at once from his counsel. This might, and doubtless would, work a great hardship in many cases.

Section 4277, Revised Statutes, 1889, it will be observed, gives defendant and his counsel the whole of the term to perfect his appeal. In many cases, as above suggested, the court might probably be held for days and weeks after the

sentence was pronounced, during all of which time, under the statute herein referred to, defendant might appeal; yet if he be taken from his place of trial within five days after he is sentenced, he is deprived of the privilege of consulting with his counsel and friends even as to the advisability of an appeal.

Section 4278, Revised Statutes, 1889, provides that an appeal in a capital case shall operate as an absolute stay of the sentence. The prisoner has then to be confined in the State prison during all the time of the pendency of his appeal, removed from home, family and friends, and in the event of a reversal of the judgment of the lower court, this act makes no provision whatever for the method or means of conveyance back to the scene of his trial, nor does it provide in what manner the expenses thereof shall be borne, nor does it provide for the payment of any officer or officers of the State to reconvey the prisoner from the State prison to the place of the new trial.

Section 5 of this act provides that "unless a suspension of execution be ordered by the Supreme Court, or two judges thereof, the warden or deputy warden shall proceed at the time and place named in the warrant to cause the prisoner sentenced to be hanged by the neck until he is dead." It will be observed that the language of this part of the act is mandatory that the execution shall take place on the date named unless the Supreme Court, or two judges thereof, order a suspension of the execution. The command to the warden or deputy warden is peremptory.

Section 4246, Revised Statutes, 1889, provides: "For good cause shown, the court in which the conviction is had, or the Governor, may prolong the time or suspend the execution of any convict sentenced to the punishment of death; and no other court or officer shall have such authority, except in the cases and in the manner hereinafter provided."

It seems to me that section 5 of this act would repeal section 4246 of the Revised Statutes of 1889, and remove from the Governor the power even for good cause shown to suspend the execution of a convicted person for any length

of time whatever, and places the authority to suspend the execution wholly in the Supreme Court or two judges thereof.

I do not question that the Supreme Court or two judges thereof would be a safe repository for this important power. But the law does not contemplate that the Supreme Court shall be in session all the time, nor do I know of any law compelling the judges thereof in vacation of the court, which I think comes annually between the months of July and October, to remain at the capital constantly, or even within the confines of the State. Hard worked as they are, as a matter of fact, I believe the judges usually leave the capital during the heated term and seek rest and recreation at various places. In their absence, if section 5 of this act repeals section 4246, Revised Statutes, 1889, where would the prisoner and counsel apply for a stay of execution? There are certainly times and conditions when a stay of execution becomes an imperative necessity.

Section 5 of this act would certainly repeal section 4246, Revised Statutes, 1889, unless the court should hold that the two enactments were simply cumulative statutes on the same subject, and that section 5 of this act simply provided an additional method for the suspension of an execution. Some doubt, at least, might arise in the absence of a judicial determination as to whether the Governor and the trial court could for good cause shown suspend the execution when the Supreme Court or two of the judges thereof failed to act. It seems to me when such an important matter as human life is at stake that a statutory enactment should be so plain that there could be no doubt as to who could or should act. I believe the provision contained in section 4246, giving the Governor undoubted power to suspend executions, is a wise one, because in his absence the law provides for the Lieutenant-Governor to act in his stead, thus leaving a fixed and certain repository for the power to suspend executions, accessible at all times at a given place and with full authority to act. In the absence of the Supreme Court or two of the judges thereof no one is empowered to act for them.

I oppose this bill if for no other reason, because every prison official from whom I have heard or with whom I have talked fears it and opposes it. The contractors, without a single exception, upon whom we rely to a great extent for help to carry the financial burdens of the prison, oppose it, and confidently believe if it is enacted into law that it will demoralize the prisoners to such an extent that within a short while it will drive them, the contractors, from the prison. Officers and contractors agree that it would be extremely difficult if this bill becomes a law to maintain any degree of discipline at the prison.

I oppose it because the legislative appropriation committee has allowed the prison $30,000 less than the officers thought was actually needed, and to carry into effect the provisions of this bill properly it would cost us many thousand dollars more, which would financially embarrass the institution and the new administration at its threshold.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 8, 1897

From the Journal of the House of Representatives, p. 791

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 8, 1897.

To the Speaker of the House of Representatives:

Sir—I have the honor herewith to return to the House of Representatives, without my approval indorsed thereon,

House bill No. 303, entitled

An act to confer upon the residents upon certain islands in this State the right to restrain domestic animals from running at large.

I do not believe any island in the waters of Missouri is large enough to become an independent government within

itself; and it seems to me that if this bill becomes a law, it would discriminate in favor of one class of citizens of a county against another.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE

MARCH 12, 1897

From the Journal of the Senate, pp. 556-557

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 12, 1897.

To the President of the Senate:

Sir—I have the honor herewith to return to the Senate, without my approval indorsed thereon,

Senate bill No. 31, entitled,

An act to constitute the assets of insolvent corporations a trust fund for the benefit of creditors, and to prevent preferences of creditors by insolvent corporations or in contemplation of insolvency and discontinuance of business or of voluntary liquidation; and to provide for the application of the assets of insolvent corporations to the payment of all of their creditors in proportion to their respective claims.

The bill makes a decided innovation in the well established law of this State, and will unsettle questions that are now not open to discussion. It seems to me that it will lead to a great deal of litigation. There are occasions when individuals and corporations should be permitted to prefer one creditor to another. To prohibit such preferences in toto would put it out of the power of an embarrassed person or corporation to obtain temporary aid or extensions. It has been the settled policy of this State since the earliest reports to permit an individual to prefer creditors. The Supreme Court has said, "It is difficult to see upon what

basis of principle a distinction can be established between its (a corporation) right to exercise the powers of ownership in respect to such property, and the right of control (within the limitation of good faith) conceded in similar circumstances to an individual. The right of the latter to give a preference to one creditor over another is usually grounded on the power of disposition incidental to the ownership of property. That ground exists with equal strength as to a business corporation in this State."

The first section of the bill declares the assets of an insolvent corporation a trust fund for creditors, and the fourth gives ninety days to an unsecured creditor to set aside a conveyance. A diligent creditor may get security for his debt and the corporation may at that time hope to go on; yet if it turns out that it was in fact insolvent the collaterals may be taken from him. He may even part with additional property upon the collaterals and have to surrender them for reasons then unknown to him. The vigilant creditor has always been favored, but in this bill there will be no inducement for any creditor to proceed against a corporation to recover its assets. The law is now settled and understood by the business communities. This law will unsettle it. The question as to whether a corporation is insolvent and unable to continue its business and what shall be evidence of insolvency is left open. The Supreme Court said, "Positive law is necessary to define, at least, the time at which the right of control of property, incident to its ownership by the corporation shall cease, or in other words, what shall constitute statutory insolvency should the lawmakers consider desirable the adoption of such a theory." The bill does not furnish that definition which the Supreme Court thinks is necessary, if preferences in cases of insolvency is to be prohibited. There are abuses in the right to prefer, both upon the part of corporations and individuals, but this does not prove that the right should be abolished in toto.

It is class legislation of the plainest sort. A corporation is an artificial person and its business and trade relations, in the respect covered by this bill, are precisely the same as

those of a material person. If it is desirable to do a thing so radical as to take away from the owner and possessor of property the right of disposing of it, why should the prohibition be limited to corporations? Why should this class of citizens be singled out and their business operations embarrassed by such an attack? Why do not the same reasons exist for depriving all persons of the right to dispose of what belongs to them?

The tendency of this sort of laws is wrong. They discourage enterprise and seem to spring from a too prevalent disposition to strike at the prosperity and thrift which arises from the fundamental right of every person to make free use of his own property. Every man who has had experience in those communities where business corporations operate knows that with them, as with individuals, they are often under the highest moral obligation to give rather than to withhold such preferences as this bill prohibits. In the State of the law as it exists they are often unable to live through business crises, pay labor and creditors, and avoid ruin by securing accommodations which are given only on the agreement that if disaster comes security will be furnished to the one who in the borrower's peril puts up his money to meet his debts. Hamper these corporations, take away their right to promise security or give it, and many will die that would otherwise live and prosper.

The real mischief and rank injustice which this bill, under the guise of fairness, will work in the every-day business of corporations can not be fully conceived.

Respectfully,

LON V. STEPHENS,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MARCH 23, 1897

From the Journal of the Senate, p. 736

JEFFERSON CITY, March 23, 1897.

To the Secretary of State:

Sir—I have the honor to forward to you herewith the following bills, which reached me within the ten days next before the adjournment of the General Assembly:

Committee substitute for House bills Nos. 174 and 305, entitled

An act to repeal an act entitled "An act to amend an act entitled 'An act to amend section 7094 of the Revised Statutes of Missouri of 1889, relating to mortgages and deeds of trust,' approved March 27, 1893," approved April 9, 1895, and to enact five new sections in lieu thereof, to be numbered sections 7094a, 7094b, 7094c, 7094d and 7094e, and to read as follows.

House bill No. 762, entitled

An act to repeal an act entitled "An act to amend an act entitled 'An act to amend section 7094 of the Revised Statutes of Missouri of 1889, relating to mortgages and deeds of trust,' approved March 27, 1893," approved April 9, 1895, and to enact five new sections in lieu thereof, to be numbered sections 7094a, 7094b, 7094c, 7094d and 7094e, and to read as follows.

Committee substitute for House bills Nos. 174 and 305, as passed by both houses and as presented to me, contained no enacting clause, and its promoters requested me to withhold action on the bill until they could have an opportunity to pass House bill No. 762, which was an exact copy of the said substitute, but contained the enacting clause. Now that House bill No. 762 has reached me, I have approved it, and

refused to approve committee substitute for House bills Nos. 174 and 305.

Respectfully,
LON V. STEPHENS,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MARCH 23, 1897

From the Journal of the Senate, p. 739

JEFFERSON CITY, March 23, 1897.

To the Secretary of State:

Sir—I have the honor herewith to transmit to you House bill No. 753, entitled

An act to appropriate money for the support, maintenance and improvement of the State University and other State educational institutions during the years 1897 and 1898.

This act is approved except as to items contained in section 5 wherein it appropriates "for maintenance of sewing school, one thousand dollars ($1,000)," and "for maintenance of agricultural department, one thousand dollars ($1,000)," which makes the total appropriation carried by said section 5 $34,550 instead of $36,550.

Respectfully,
LON V. STEPHENS,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MARCH 29, 1897

From the Journal of the Senate, pp. 743-748

JEFFERSON CITY, March 29, 1897.

To the Secretary of State:

Sir—I have the honor herewith to forward to you, without my approval indorsed thereon, House bill No. 178, entitled

An act to amend section three (3) of an act entitled "An act to repeal sections 7513, 7515, of article 1, chapter 138 entitled, " 'The assessment and collection of the revenue,' and sections 7531 and 7552 and 7570 of article 2, chapter 138, of the Revised Statutes of 1889, entitled 'Assessors and the assessment of property,' approved March 28, 1893, by striking out certain words in section 3 of said act and inserting certain other words in lieu thereof, and by adding at the close of said section three certain other words," which reached me within the ten days next before the adjournment of the General Assembly.

There is a plain contradiction between the purport of the bill as signed by the President and Secretary of the Senate and Speaker and Chief Clerk of the House of Representatives and the record as it appears in journal of the House respectively.

It seems that on March 9, 1897, House bill No. 178 was read in the House a third time and passed, emergency clause not adopted. The bill was then sent to the Senate and went through the constitutional formula, and on the 20th inst., it was passed by the Senate, the vote being nineteen for and nine against, the emergency clause in this instance not being voted on at all; but this bill, as presented to me for consideration, has the emergency clause attached. This raises

a very serious question, which, as I have noted, brings out an inconsistency that cannot be harmonized.

Its main features are inquisitorial and un-American. Under our existing assessment laws an affidavit is already required from the owner of notes, bonds and mortgages covering the extent of his holdings and their present value. The statute provides a remedy against the affiant for perjury when a false statement is rendered the assessor. In addition to this the county boards of equalization have authority to increase the assessment where it has been made too low, and to impose a penalty in addition.

The proposed operation of this law would in course of time deface a note or bond which had been held for any period of time almost beyond recognition. In addition to this, the listing of the voluminous mass of indebtedness which is represented by notes, bonds and mortgages, would be an impossible task for the assessors using the machinery which they have hitherto employed. As easily might the law require a merchant to furnish to the assessor a complete inventory of his stock of goods and accounts, requiring the assessor at the time to make a complete copy of such inventory upon his returns. As easily might the law require a farmer to furnish to the assessor for listing, stamping and branding every head of stock owned by him, with penalties annexed for failure to list each animal by class, age, color, marks, bands, etc.

Successful and enterprising business men are usually very anxious to keep their credit affairs private, and their success in a great measure depends upon not taking the general public and business rivals into their confidence. And, besides, there is a universal desire among men for privacy in their affairs, and especially of their credit matters, if possible. Now then, if all notes, bills of exchange and evidence of debt are accurately described and placed upon public record, business men will find nearly the whole of their commercial indebtedness made public, especially local indebtedness, for the scrutiny and criticism of business rivals and enemies. Of course many obligations due from business

men will not be made public because held in other states and by banks, banks not being required to list their notes as they pay taxes on their capital stock; but enough will be shown in many instances to discourage the man operating on credit, who is doing well in business and rapidly reducing his indebtedness.

The Constitution of the United States recognizes the desire men have for keeping their private affairs to themselves, and provided against the unreasonable search of papers and effects. Now then, when it is proposed once a year for a man to expose to the curiosity of the county and city assessor, all his evidences of debt this idea of privacy will be violated. Some men would rather pay double taxation, perhaps, than once a year to disclose all of their business. As for preventing property from escaping taxation this bill will have little if any effect, for those who intend to avoid taxation will invent more certain methods than they have now. The law will injure the good men and catch very few of the bad. A fair return of personal property will always depend upon the vigilance, competency and good sense of assessors, no matter what may be upon the statute books. Many good men who now give in a fair list will leave the State before they will have their private affairs made public every twelve months, and place themselves at the mercy of those who wish to take advantage of the knowledge thus derived of their business. Private individuals will ask why should our business be exposed and placed upon public record when trust companies, banks and corporations are not subject to this annoyance and exposure.

There has been a great cry for years against paying interest to eastern and foreign loan companies, and on eastern capital, the sending out of premiums to eastern and foreign life insurance companies, and things of that character, and yet this law looks to me as if it might be in the direct interest of such eastern and foreign loan companies and foreign capital, for it does not affect them, but local capital only. Will this State, by this and other measures of a similar nature, drive local capital from the State and leave the whole

field in Missouri to eastern and foreign capital? Instead of having legislation of the character to drive capital out of the State, it ought to be of such a character as to invite it into the State. Some may think that this law will in some manner benefit agricultural communities, but it will prove exactly the contrary, as all such measures have in western states. Farms are at present assessed at about one-third of their value, and any attempt to change this greatly will meet with vigorous protests from the farmers. If this measure and similar ones drives local capital out of the State and the lists of personal property decline, which they are bound to do rapidly under such legislation, can there be any doubt but that in a few years it will be absolutely necessary to assess land much higher than it is now, and the farmer will bear a greater burden of taxation, besides, it will tend to increase rate of interest, no matter what may be on the statute books regarding the same.

It will make money almost impossible to get except from eastern and foreign capitalists. And if by these means our local capital is driven from this State it is only a question of time when there will be a great decline in values, including farms. Farmers and business men will be required to list notes which they now hold which may be worthless, but which they are hoping some day to collect. Many vexatious questions will arise; for instance, where bills of exchange and notes change hands several times on the first day of June, disputes will arise as to who should list them for taxation on that day, because the law takes no notice of a fraction of a day. Various names will be found upon it by the assessor, placed there on the first day of June, and litigation will surely arise over this and many other points contained in such extraordinary law. Instead of increasing the revenue of the State the probabilities are largely in favor of the fact that valuations of personal property will rapidly decline, owing to various methods which will be resorted to to prevent the exposure of private business. Property and money will be sent out of the State, soon to be followed by the owner thereof, and all men with capital

who are seeking investments, and perhaps this State as a location, will look askance at us and move around us when they find that we have been indulging in such legislation, thinking it is only a beginning of worse to follow. The full evil effects of such a measure cannot be counted until a few years of trial, but caution in adopting such laws will do no harm at the present time when there has been such a long period of financial disasters.

Another objectionable feature of the bill is that it interferes with the negotiability of the notes not stamped as required. It has always been the policy of the law to give to commercial paper the utmost freedom and circulation, as this is one very important means of supplying any deficiency in the money circulation.

The bill, as I understand it, would lead to an innumerable number of petty prosecutions, the majority of which would be malicious in effect if not in law. While the legal presumption is that laws will be obeyed, yet it is a fact that they are not, and we have a right to presume as a fact that this law will be constantly violated by the holders of notes unless all property is assessed at its actual cash value as the law contemplates. Whenever this is done the holders of notes will in a great measure cease their opposition to measures similar to the one under consideration. The prosecutions for violations of this law would be instituted by the debtor, who has paid the note not stamped, and will only be done by him in cases where there is ill-feeling between him and the creditor, and the debtors who would do this would be among the worst of their class, all of which would have a tendency to increase the rate of interest as to the borrowers least capable of paying it.

The plan is well nigh, if not absolutely, impracticable, for the reason that many notes run for five, ten and twenty years. This would necessitate the note being stamped a like number of times, and unless the note be as large as the average Sunday newspaper there would be no room for the stamps without nearly obliterating the face of the paper.

Again, the capitalists holding a sufficient number of notes will avoid the law by indorsing their notes to friends in other states prior to June 1st, and will thus escape taxation on all their property in this form, whereas at present they are paying taxes on perhaps one-half of their obligations, while the small capitalists, widows, curators, and the like, with only two or three notes, will be unable to take this advantage, and will not only pay the present taxation upon all the property they possess, but will help to make up the taxes that will be lost by reason of the large capitalists sending their property out of the State.

The measure will impose a great hardship upon a majority of the country merchants all over the State of Missouri, because four-fifths of the country merchants are more or less compelled to do the greater part of their business upon a system of credit. In very many instances the debtor cannot offer but very inadequate security to guarantee the payment of the bill he must incur with his merchant for goods to make his crop. Nevertheless, the merchant takes the risk and accommodates his customers, but in doing so, he finds at the end of every year a great many delinquent accounts upon his ledger. After his customer has disposed of his crop and fallen behind, there is nothing left for the merchant to do but take a note to cover the balance due him, and trust to providence and chance in a great measure for the balance to pay the same. Every country merchant is more or less loaded with this class of notes, and the amount is greater at present than usual, in consequence of the business depression which is so general. It occurs to me, that it would be a great injustice to compel the possessors of such notes, the solvency of which they must themselves doubt until they, perchance, collect same, to pay taxes on them, assessed at their face value, or have their legality decided.

There can be no doubt that something should be done to secure a more equal distribution of the burdens of taxation, and especially that money, bonds and notes should be more fully assessed than they now are, but my idea is that this bill, intended to accomplish that purpose, will practi-

cally result in a larger proportionate share of the burdens of taxation falling on the men of moderate means and a large proportion will escape taxation by note and bondholders than under the present law.

In view of the provisions of this bill exempting banks, etc., it is plain to me that the wealthier men, the ones sought to be reached by this law, will turn their money over to the several banks or trust companies with which they are connected, either as officers or stockholders, or influential depositors, to be loaned by them, the notes, bonds, and other securities being taken in the name of the bank, and so under the terms of this law make them non-assessable.

The people of moderate means—farmers and residents of towns and cities—whose property, for the most part, consists of lands and visible personal property, together with a small amount of notes and bonds, having no way to hide them, will, under this law, have to report every dollar they may have. So the inequality of taxation between the wealthy and the man of moderate means sought to be remedied by this legislation is simply aggravated, and a greater injustice than now exists is inflicted.

It would have the effect to discourage investments and drive capital from the State. I have favored the free and unlimited coinage of silver, because we have not a sufficient amount of money in circulation within our State now to properly develop our resources. This bill would make money even scarcer than now.

Every farmer who owes money, I fear, would be compelled to pay the same without delay, and the money would be taken out of the State for investment.

My objections are not predicated upon the idea that a loophole ought to be left through which note-holders can escape taxation, but that the taxation should be equal, and that no more burdens ought to be placed on a note-holder than upon the holder of any other class of property.

The probabilities are, under this law, there would be a great increase of criminal prosecutions under claims that tax lists may not be complete.

It is now difficult enough for our borrower class of farmers and others to obtain credit in stores and accommodations from money-loaners to enable them to make crops, etc. With such a law upon our statute books and traders would accept nothing except cash, which they could not give.

It is an assault upon the honor and good name of our State and upon the integrity of our people.

If this law should go into effect and all notes by law must be assessed at a hundred cents on the dollar, all loans will be called in as soon as possible, and thousands and thousands of people who are now thought to be wealthy and prosperous would be driven to ruin.

The bill is not uniform in its applications to the subjects of taxation treated therein, as is required by the Constitution of the State; it does not treat all tax-payers with equal justice and impartiality, but singles out a course for one class different from that required of other classes.

Many who voted for the bill did so under a misapprehension, without a clear understanding of the bill, through "trades," and are now apologizing for their votes, and have urged me to veto it.

The measure does not purport to be a measure for increasing the revenue of the State. It taxes nothing that is not already taxable by law. It provides no additional revenue for the treasury and it metes out no new punishment to wrongdoers. It is undoubtedly desirable to accomplish both these objects, and it was no doubt the intention of the author of the bill to accomplish them, but the fact remains that the bill would be useless as a revenue measure, and equally useless as a criminal statute.

To require notes to be stamped by the assessor would be a burden to the business of lending money and this burden would inevitably fall upon the borrowers rather than the lenders. It is manifest without argument that any statute which should require all promissory notes and like evidences of debt to make an annual pilgrimage to the assessor's office would be a serious blow to the business interests of the

State. These instruments do not remain in the hands of their owners. They are freely used as collateral and are often to be found in the vaults of banks, trust companies and other financial institutions. Thus the possession of commercial paper is often separated from its ownership. Under the provisions of the bill in question it would be the owner's duty to present the paper to the assessor, and yet he would not be able to do so, his paper having been pledged as collateral, he would not be in possession of it, nor would he be entitled to its possession. And yet he would be guilty of a misdemeanor for failure to secure the assessor's stamp thereon. The person or institution holding notes as collateral would not be willing to part with possession of such notes for mere purpose of enabling the owner to present them to the assessor, nor would the holder of the collateral be bound by the statute to have the same stamped by the officer. It is difficult to conceive of the confusion which would result from the operation of such a statute in large commercial centers.

The result of such a law would be to flood the courts with litigation, encourage dishonesty, restrain the free exchange of negotiable paper, if not rob it of its negotiability entirely, hamper business, render it especially hard for the borrower to obtain a loan, and drive capital from the State to seek other and better fields for investment.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 27, 1899

From the Journal of the House of Representatives, pp. 783-784

March 27, 1899.

To the Speaker of the House of Representatives:

Sir—I have the honor to return to the House of Representatives, without my approval indorsed thereon, House

bill No. 261, entitled "An act to amend section 2310, article 12, chapter 33, Revised Statutes of Missouri, 1889, relating to opinions of the Supreme Court and Courts of Appeals."

The amendment proposed is as follows:

That section 2310, article 12, chapter 33, Revised Statutes of the State of Missouri, 1889, be and the same is hereby amended by adding to said section the following words: "and shall pass upon and fully decide all legal questions raised in such case;" so that said section, when so amended, shall read as follows:

"Section 2310. The opinion shall always contain a sufficient statement of the case, so that it may be understood without reference to the record and proceedings in the same, and shall pass upon and fully decide all legal questions raised in such case."

Article 3 of the Constitution of this State declares that "The powers of government shall be divided into three distinct departments, the legislative, executive and judicial, each of which shall be confided to a separate magistracy, and no person or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted."

Article 6 of the Constitution of this State vests judicial power of this State in the Supreme Court, the Courts of Appeals and other courts. The legislative power of this State, under the terms of article 4 of the Constitution, is vested in the General Assembly of the State of Missouri.

Under article 5 of the Constitution the supreme executive power of this State is vested in the Governor, as the chief magistrate.

Under the terms of article 3, before mentioned, the Legislature cannot interfere with the duties of the judicial department nor the executive department, nor can either of these departments interfere with each other, nor with the legislative department, because this is a plain mandate of

the Constitution. The sole and exclusive judicial power of this State is vested in the courts of this State. That power cannot be abolished, taken away from the judiciary or diminished by either or all of the other departments combined.

The Legislature may enact laws for the holding of courts and for the adjournment thereof, but it cannot dictate to the judges how they shall decide, nor what they shall decide. The Legislature can not take any action which looks to the control of the judiciary of this State. It was competent for the Legislature, under the old section 2310, to provide that the opinion of the Supreme Court should "always contain a sufficient statement of the case," etc., for that does not interfere with or control the judicial discretion of the Supreme Court. But with regard to the other portion of the bill couched in these words: "and shall pass upon and fully decide all legal questions raised in such case," that is beyond the power of the Legislature to enact.

The Legislature has no more power to interfere with or control, or attempt to control, the action of the Supreme Court in writing its opinions than has the Supreme Court the power to dictate to the Legislature how and in what way it shall enact and frame its laws.

I do not see that it can accomplish any practical good. The law now requires the judges of the appellate courts to file written opinions in all cases disposed by them. It is, therefore, necessary for them to pass upon such questions of law raised by the record as are essential to decide the case in hand. If the bill means only to require this, it is unnecessary, and adds nothing to the law as it now stands. If, however, it is intended to require the judges of the appellate courts to "pass upon and fully decide all legal questions raised in such case," whether properly presented for determination or necessary to be passed upon in order to dispose of the case under consideration, it is very bad legislation. The courts do not sit to pass upon "moot" cases. They are created to decide real controversies between actual litigants. If the record has not been properly preserved in

the trial court, there are other provisions of the Statutes which prohibit the higher courts from passing upon the questions of law attempted to be raised. They cannot, under the rules of practice in that event, pass upon and decide the legal questions raised in the case.

It frequently happens that a number of legal propositions are advanced, and it is unnecessary to the disposition of the case to pass upon all of them, it often occurs that the decision of a single proposition of law will determine the judgment that ought to be entered, while a dozen other questions may be presented by the record. It might afford some satisfaction to the parties to have the court go on, after having decided the case upon the real questions involved, and pass upon other propositions submitted for consideration. This, however, would cause unnecessary labor to the courts, delay other litigants, and accomplish no good to the parties to the suit. After the real points, upon which the judgment must rest, have been decided, it would be a useless waste of time to discuss "in full" other questions of law raised in the case. What good could come from it? How would it help the parties to the suit? In the present condition of the docket of the Supreme Court, instead of adding to the labors of the judges and thereby throw the court still further behind, it would be better to do something to assist them in catching up. The rule is that a judge ought never to write upon a proposition of law not necessary to the decision of the case in hand, and whenever he does so, his remarks are "obiter dicta," and are not given the weight of authority in subsequent cases.

It is sufficient in any case to have the real points upon which the judgment must rest decided, and nothing farther than that can, or ought to be required. In many instances questions are presented by counsel and if the court decides one, it becomes wholly immaterial to consider the other matters, and the universal rule, as far as I have known with the courts, whether trial or appellate, is simply to decide enough of the questions raised to dispose of the case and then

stop. Anything further than that would simply be a waste of time, and be a discussion of immaterial matters.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE

APRIL 5, 1899

From the Journal of the Senate, pp. 562-563

April 5, 1899.

To the President of the Senate:

Sir—I have the honor herewith to return to the Senate, without my approval indorsed thereon, Senate bill No. 271, entitled

An act to repeal an act entitled "Immigration."

My reasons for so doing are respectfully submitted:

This bill proposes to repeal chapter 81 of the Revised Statutes of 1889, regarding immigration. I cannot give my consent to the abolition of the laws on this subject, because I am convinced that an immigration bureau can be of great benefit to the State of Missouri in the way of inducing capital to the State and homeseekers to settle in our midst.

The various State departments are now daily besieged with numbers of inquiries regarding the resources of the State from persons desiring either to invest or make their homes with us. As there is no official board to give these inquiries attention, they do not receive satisfactory consideration.

There are now in the State about 500,000 acres of government land not taken up and 5,000,000 acres of vacant land susceptible of cultivation. By the proper dissemination of information regarding these lands they can be settled with industrious homeseekers, thereby enhancing the value of all

our farming property and increasing the population and taxable wealth of the State.

We have a State rich in material resources, one that offers more inducements to homeseekers than any other State in the Union. Of all the United States, Missouri, by reason of climate and the fertility of her soil, takes first place in point of advantage. Everything needed in the economy of man's existence can be dug from her hills and mountains, hewn from her quarries, sawed from her forests, or produced from her soil. Wheat, corn, rye, oats, barley, potatoes, delicious fruits—in fact, everything needed in the temperate zone can be grown in Missouri. We do not need to exaggerate or resort to the arts of the real estate promoters to establish our claims to greatness—a simple statement of facts, ungarnished by rhetoric or adulation, is sufficient. Therefore, instead of discouraging the citizens of other States from making their homes in Missouri, we should maintain a bureau of immigration, clothed with official authority, to act for us and to tell the story to the anxious inquirer of our varied resources, and of our onward march to greatness and prosperity, and encourage the right sort of immigration.

The States around us have immigration laws and boards of immigration. Experience has shown them the inestimable benefits of these immigration laws and boards.

It is true, Missouri has progressed within the fifteen years we have had no board of immigration, but if such a board had been in active operation during that time the development would have been undoubtedly even greater.

Just at this time, when the eyes of the world are upon Missouri by reason of the great world's fair, to be held in St. Louis, in which every loyal Missourian ought to be deeply interested, it would be most unwise and inconsistent to discourage the investment of capital and desirable immigration by repealing our immigration laws.

In my biennial message to the General Assembly I said: "The law of 1879, creating an immigration board, Revised Statutes 1889, sections 5446-5459, has been in-

operative since the expenditure of the last appropriation made for its support in 1881. The widespread attention being attracted to the resources and latent wealth of Missouri by the citizens of other States, and the many inquiries being made concerning opportunities for investment, fruit raising, and the procuring of homes, justify the conclusion that the subject is of sufficient importance to merit legislative recognition."

I have had no occasion to change my views, and have appointed an immigration board to act under the law, composed of three of our most active and progressive citizens.

Shall we repeal these laws and send the news out that we do not wish the immigration of capital and citizens, while the chief object to be attained by the world's fair is to encourage the investment of capital and immigration in Missouri? The State board of immigration and the World's Fair Executive Committee should, and I am sure would, co-operate with each other and be of great mutual advantage. During my administration I have endeavored to advance the welfare of the imperial State of Missouri in every way possible; the interests of the State have been made my first and highest object, and have received the best efforts of my life, and I will approve of no bill, which, in my judgment, will have a tendency to tear down rather than build up.

I can not approve a bill that will reflect discredit upon the State abroad and retard its growth in population and wealth.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE HOUSE OF REPRESENTATIVES

APRIL 26, 1899

From the Journal of the House of Representatives, pp. 1205-1206

April 26, 1899.

To the Speaker of the House of Representatives:

Sir—I have the honor herewith to return to the House of Representatives, without my approval indorsed thereon, House bill No. 641, entitled "An act to compel the school book companies to establish agencies in every municipal township within the State for the convenience of the patrons of the public schools."

I am compelled to withhold my approval for three reasons: First, the bill is unnecessary; second, it seems to me to be an attempt to repudiate binding contracts, and, third, it is in violation of the Federal Constitution.

The bill requires that an "agent" "be established" by all companies now having textbook contracts with the State, "within every municipal township within the State," and that "said" agent shall be supplied with the various school textbooks now required to be used in the public schools of the State. Section 1 requires this agent to deliver to patrons the book or books on receipt of "the contract price." If the words "the contract price" mean what they are declared to mean in the act of March 31, 1897, and what they are elaborately stated to mean in all the contracts made by the State with the publishing companies, then this bill, if it were enforced, would entirely annul those contracts. That act and the contracts specifically set out three prices, namely, "the contract price, the retail price, and the selling price," and the "contract price" in both is declared to "be the price at which said book or books shall be furnished to dealers," and the retail price that at which they will be furnished by such dealers to pupils or patrons. But this bill compels the dealer to sell the book to patrons at "the

contract price," that is at the price at which such dealers bought the books. Hence, if that is the meaning of the term, it would require the publishers to sell their books to patrons of the schools in every township in the State at the same price they now sell them to merchants; if this is not its meaning, if it means that an agency is to be established within every township and the books sold by such agent at the same price provided for in the existing contracts, then a new condition is made to attach to them. All of these contracts now require the publishing companies to "furnish said books to dealers in two or more principal cities or towns in each county in the State," and if the books shipped weigh more than one hundred pounds the transportation charges must be paid by the publishers. But this bill requires them to furnish the books to dealers in every municipal township in the State. This is an entirely new condition, and one no publisher contracted to perform.

The bill also provides that such "agency must be established" by the publishers in each township in which there is a store or trading point. No books may have ever been sold in such store, or at the trading point. The store keeper may be dishonest; he may be unable to give the publisher a bond that he will sell the books at the retail price; he may be unwilling to contract with the publisher to sell the books at the small profit stipulated by the law of 1897, and the contracts, which cannot exceed 15 per cent. Yet this bill compels the publishers to establish the agency in every township in which there is a store or trading point, and if they fail to do so for any reason, the school boards in the township may use any books they deem proper. And thus the act of 1897 would be as to all such townships, repealed and their contracts to that extent, at least impaired.

It would be dishonest and dishonorable to thus annul a contract which the State solemnly made. No state can afford to solemnly enter into an agreement with a publishing house to supply its schools with textbooks, and then two years afterwards pass a law that relieves herself of the burden of that contract unless the publisher does something he did

not contract to do. I believe in men standing to their contracts. And the obligation is equally as binding upon the State.

All the publishers have entered into heavy bond with the State that the books will not be sold for more than "the retail price" stamped on each book, and if such sales are made by their dealers or agents, with their knowledge, or consent, these bonds become forfeitable. That fact makes it necessary for the publishers to be prudent in the choice of their agents and often to protect themselves by demanding bonds from the merchants handling their books, that the books will be sold according to contract.

Under the contract and the law as it is now, any school board, or any teacher or patron, can obtain textbooks by sending the amount of the contract price—the price at which the books are sold to merchants—to the publishers and paying the transportation charges. Any merchant in any township can now obtain any books mentioned in these contracts by sending the money along with his order, if he convinces the publisher that he will sell them at the contract price. There is also a mailing price, at which any person can obtain the books from the publishers postage prepaid. The late State Superintendent of Public Schools, the Hon. John R. Kirk, obtained the number of merchants in the State handling these books according to contract, and stated that some publishing houses have nearly 700 "dealers" and none less than 400. It must be necessary in the case, that an enterprising publisher will get a dealer in every town or village in the State if he can find a merchant there who will contract with him. If he cannot agree with the dealer now there, he ought not to be compelled to establish an agency anyhow, as this bill provides.

The Constitution of the United States, article 1, section 10, says "no State shall pass any law impairing the obligations of contracts." Chief Justice Marshall said in Planters Bank vs. Sharp, 6 How. 301: "One of the tests that a contract has been impaired is that its value has by legislation been diminished. It is not by the Constitution to be im-

paired at all. It is not a question of degree or manner or cause of lessening its value, but encroaching in any respect on the obligation, dispensing with any part of its force, makes such legislation void."

As Governor of Missouri, I took an oath to support that Constitution and if this law is not unconstitutional I cannot conceive of a legislative act that would be. I, therefore, return the bill without my approval.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE

MAY 20, 1899

From the Journal of the Senate, p. 1180

May 20, 1899.

To the President of the Senate:

Sir—I have the honor herewith to return to the Senate without my approval indorsed thereon, Senate bill No. 438, entitled "An act to provide for the charging and collections of fees for affidavits, certificates to affidavits, verified complaints or pleadings filed in causes pending before justices of the peace drawing salaries."

The intent and purpose of this bill was to wipe out and prevent a vicious and pernicious practice that seems to exist in cities where justices of the peace are paid a salary, but, in an attempt to prevent justices from taking affidavits as notaries, or their clerks from so doing, the bill will be the cause of as great a wrongdoing as that which it seeks to correct and prevent, in that it prevents anyone from making an affidavit before any notary or any other officer and filing the same in a justice court unless he pays an additional fee to the justice.

This bill says that if the affidavit is made before the justice it can be done for the legal fee, but if done before

any other officer it will cost a double fee, one to the officer who takes the affidavit and one to the justice. I commission a notary public; he is authorized by law and by virtue of his commission to administer oaths, and his certificate duly attested with his seal affixed can be filed in any court in this State without question, but this law says unless you pay the justice of the peace an additional fee for taking an affidavit ("whether taken before him or not") the same cannot be filed without an additional fee to the justice.

The State of Missouri cannot say to its citizens that they must pay its officers for services they never rendered. To say that if you go before a notary and pay him for an affidavit that it is void unless you pay the justice another fee, is illegal and unjust.

I therefore return the bill without my approval.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE

MAY 20, 1899

From the Journal of the Senate, pp. 1180-1181

May 20, 1899.

To the President of the Senate:

Sir—I have the honor herewith to return to the Senate, without my approval indorsed thereon, Senate bill No. 123 entitled "An act to amend an act entitled 'Appropriations, schools, public school book commission,' approved March 31st, 1897, by repealing section 12 of said act and enacting a new section in lieu thereof, to be known as section 12."

I am constrained to withhold my approval for two reasons: First, the title is wholly defective; second, the bill attempts to relieve the State of the burden of contracts to which she had solemnly become a party, and which burdens she voluntarily assumed.

The record of enrolled laws in the office of the Secretary of State contains no act with the title "Appropriations—schools, public school book commission;" nor one at all similar thereto. There is an act, which was approved March 31, 1897, entitled "An act to establish and maintain a uniform course of textbooks to be used in all the public schools within the State, and to reduce the price thereof," and that act is published at pages 22 to 25 of the Laws of 1897, and the caption thereof, in the printed book is "Appropriations: Schools, Public School Book Commission." But the caption to the printed law is not its title. It is no part of the act.

Both houses of the General Assembly vote upon the title to a bill, but neither the Governor nor any member of either house ever sees the caption until it appears in the printed volume. It does not appear in the record where the law is recorded. It is chosen for the act by the printer, or by the person who superintends the publication of the laws. So it is apparent that the draughtsman of this bill, instead of choosing the title which the Legislature had given to the act of 1897, chose for the caption given that act by the publisher. The Constitution says that "no bill shall contain more than one subject, which shall be clearly expressed in its title." No bill can have two titles. Either the caption is its title, or the title chosen for it by the Legislature is its title. Hence, it seems to me that when a bill undertakes to repeal another law, and seeks to identify that law by its title, it is necessary that it be designated by the title made for it by the Legislature, and not by the caption chosen for it by the printer.

But there is a much more serious objection to this bill.

It repeals sections 11 and 12 of some law approved March 31, 1897, presumably the law entitled "An act to establish and maintain a uniform course of textbooks to be used in all the public schools within the State, and to reduce the price thereof." Section 6 of that act says that the textbook commission "shall enter into a contract or contracts, in the name of the State of Missouri, for a period of five

years and until otherwise provided by law, with such publishing house or houses whose bid or bids shall have been accepted," etc. Section 11, which is one of the sections that this bill seeks to repeal, provides that "from and after the first day of September, 1897, and until otherwise provided by law, no textbooks except those contracted for by said commission shall be sold for use in the public schools of Missouri." This section gives to the contracting publisher the right of exclusive sale of such books as the commission contracted for for at least five years, but if this bill becomes a law there is nothing to prohibit the school boards anywhere in the State from supplanting such books with any books that they may desire. They can ignore the contracts at pleasure. They may use any books they please. These contracts would lose all their binding force on the State, and their value would depend wholly on the action, perhaps the whim, of the school boards. It may be well to refer to the language of the contracts themselves. They are all alike. They begin by saying: "This contract for the supply of one standard school textbook for use in the public schools of the State of Missouri for five years from September 1st, 1897, and until otherwise provided for by law * * * made and entered into in pursuance of "An act to establish and maintain a uniform course of textbooks to be used in the public schools of this State, and to reduce the price thereof," approved March 31st, 1897, by and between the State of Missouri, party of the first part, and ————————, party of the second part, etc. witnesseth: That the said party of the second part, in consideration of the rights, privileges and benefits guaranteed and granted under the said act above mentioned, does hereby covenant," etc. What were "the rights, privileges and benefits guaranteed" by said act? Undoubtedly the privilege of exclusive sale of the books contracted for by the commission. It is this privilege that makes the contracts valuable to the publishers. It was this "guaranteed" privilege that induced them to agree, and bind themselves by a large bond, to sell the books at the prices named in the contracts, and yet this

privilege, the very consideration for the contracts, this bill seeks to take from them. The Constitution of the United States says "no State shall pass any law impairing the obligation of contracts." It must be admitted that any law that lessens the value of a subsisting contract impairs it. That being the case, it cannot be disputed that this bill not only fails in front of the constitutional inhibition, but it must be clearly seen that, if it is permitted to stand, these contracts would, before the expiration of the five years, become practically valueless.

It may be that the contracts themselves are improvident. It may be that a better law than that of 1897 could have been framed. But the merits or demerits of the contracts and of the law do not enter into a consideration of this bill. The situation is this: The State enacted a law authorizing a commission to contract for the text books to be used in the public schools and guaranteed that the publishers so contracting should have the privilege of exclusive sale of those books for five years, and of this guaranty or burden the State seeks by this bill to relieve itself. That would amount to repudiation. Whether that was the purpose of the act or not is not material, so long as that would be its inevitable effect.

For these reasons, and for those expressed in my veto message concerning House bill No. 641, I am constrained to withhold my approval of this bill.

Respectfully,

LON V. STEPHENS,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 24, 1899

From the Journal of the Senate, p. 1210

JEFFERSON CITY, May 24, 1899.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon, the following bill, which reached me within the ten days next before the adjournment of the 40th General Assembly:

House bill No. 891, entitled

"An act to appropriate money out of the state treasury, chargeable to the General Revenue fund, for additional buildings for the various schools, eleemosynary and penal institutions."

I withhold my approval from this bill because the appropriation of $143,850.00, which it carries, is in violation of the Constitution, for the reason that after the regular appropriations have been met—from the calculations of the auditor, treasurer, secretary of state, attorney-general and myself—it is clearly shown that this amount will exceed the receipts for the biennial period.

Respectfully,

LON V. STEPHENS,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 5, 1899

From the Journal of the Senate, pp. 1219-1220

JEFFERSON CITY, June 5, 1899.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon, the following bill, which

reached me within the ten days next before the adjournment of the 40th General Assembly:

Senate bill No. 422, entitled

"An act to amend article 2, chapter 89 of the Revised Statutes of the State of Missouri, of 1889, by adding thereto a new section, to be known as section 5857a."

This bill provides for annual cash surrender values, payable on demand, or loan values on all life insurance policies, to be issued after January 1, 1900.

It is clearly shown to me that the practical result of such a law would be to convert life insurance companies into savings banks. No life insurance company can do a savings bank business in my judgment, and the same time furnish absolutely safe insurance at reasonable figures. It cannot be a good life insurance company and at the same time a good savings bank.

If life insurance companies were compelled to pay cash values on demand, equaling in amount nearly the full net value of other policies, they would be compelled to keep their assets invested in such securities which could be converted into cash upon short notice, or take the serious risk of being sometimes forced to default upon their obligations. Such securities are now paying about 2½ per cent. annual interest upon their market values, whereas the present investments of life insurance companies which largely consist of real estate loans produce from 4 and 5 per cent. They would be debarred from investing to any great extent in real estate mortgages, city or farm, for the reason that they would be liable to run, and in such cases could not convert such securities into cash without sacrifice and great loss.

It may be argued that a company may avoid the requirements of this bill by attaching to its policies a table of cash or loan values so small in amounts that it could pay them at any time without trouble or loss. I do not believe that company could afford or would dare to adopt a schedule of cash values which would be merely nominal or much less than those in use by other companies furnishing cash surrender policies. Such action would subject them to much

more injurious criticism by their competitors than if cash or loan values were omitted altogether.

Life insurance is a great benefit to the people of the State. It helps to protect and maintain the family, and prevents poverty, pauperism and crime. Men should, therefore, be encouraged, if not required to take and maintain life insurance, and no action of the law-making power should tempt them to sacrifice their interests by compelling companies to give them cash values for their policies obtainable at their pleasure.

The people ought to be permitted to exercise their own judgment in buying insurance to protect their families, and if they desire to purchase policies without annual cash values, they should be allowed to do so. If this bill should become a law, all would be required to patronize annual cash value companies, or do without insurance, and there would be [no] alternative.

A great many companies now issue policies with a cash surrender value, but there are many which do not. If a person wants to take out life insurance in a company whose policies have a cash surrender value, he is privileged to do so, but if another person wants to make a permanent insurance for his family so that he himself cannot afterwards revoke it, then he should be allowed to insure in that kind of a company. There is no law to compel a person to take a policy in the old line insurance company, but he ought to be allowed to do so if he chooses. There is no hardship in a company refusing any surrender value because the insured enters into the contract with his eyes open, and if he wanted a policy with a cash surrender value, he could very easily insure in such a company. There is no justice in compelling a company to adopt the cash surrender value system against its will.

No state in the Union has done what is proposed by this bill. Only one, the state of Massachusetts, has any such statute, and it only applies to companies chartered in that state, and it is a matter of fact that companies of that state are so restricted in their operation that some of the most

desirable forms of policies have been abandoned by them on account of the law.

Believing the law would be of no benefit to policyholders —that there is no necessity nor demand for it, and that it would work a hardship and prove a great annoyance to the life insurance companies doing business in Missouri, I return same without my approval.

Respectfully,

LON V. STEPHENS,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 19, 1899

From the Journal of the Senate, pp. 1220-1221

JEFFERSON CITY, June 19, 1899.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon, the following bill, which reached me within the ten days next before the final adjournment of the 40th General Assembly:

Committee substitute for House bill No. 785, entitled "An act to amend an act entitled 'An act to create a board of election commissioners in cities now having or which hereafter may have over one hundred thousand inhabitants, to provide for the appointment of the same; to define the duties of such board; to provide for the registration of all voters in such cities; to govern elections therein, defining offenses and providing punishment thereof; prescribing penalties for violating the provisions of this act; and abolishing the office of recorder and deputy recorder of voters,' approved May 31, 1895, as amended by session acts approved March 8, 1897, and March 23, 1897, and March 26, 1897."

House bill No. 760, entitled

"An act to provide for the registration of voters in cities now having or which hereafter may have three hundred thousand inhabitants or more; to provide for the creation of a board of election commissioners, provide for its appointment and define its duties; to govern elections in such cities, defining offenses and providing penalties therefor, and to prescribe rules and regulations governing registration and elections therein, and to repeal all acts and parts of acts, in conflict or inconsistent herewith."

Respectfully,

LON V. STEPHENS,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 21, 1899

From the Journal of the Senate, pp. 1224-1226

JEFFERSON CITY, June 21, 1899.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon,

Senate bill No. 465, entitled

"An act to amend article 3 of chapter 30 of the Revised Statutes of Missouri, 1889, entitled 'Cities of the second class,' by adding a new section thereto, to be numbered 1435a, authorizing the city council to erect, maintain and operate, and purchase water works, gas and power plants, electric light plants, or any equity therein." This bill reached me within the ten days next before the final adjournment of the Fortieth General Assembly.

Section 1435, Revised Statutes, 1889, authorizes the common council of a city of the second class to erect, maintain and operate water works. This gives ample power to

any second class city of our State which is financially able to erect its own water works.

This same section authorizes the council, in their discretion, to grant the right to any person or persons, to erect water works and lay down pipes for the use of said city and its inhabitants, upon such terms as the council may, by ordinance, prescribe. Said section also provides that the right to erect water works and lay down pipes for the use of said city and its inhabitants shall not be granted for a longer term than twenty years, and shall not be granted or renewed unless by the consent of a majority of the qualified voters of said city, expressed at an election held for that purpose.

This provides ample means for cities of this class to secure water facilities, in the event it is expedient from any cause, for said cities to erect, maintain and operate water works by the municipal corporation itself. This statute also protects the citizens against the improvident or indiscreet acts of a council in making a contract for the supply of water, by requiring the assent of a majority of the voters to be given thereto.

Senate bill No. 76, introduced by Senator Haynes, and which was passed at the last session of the General Assembly, and is now the law, placed an additional safeguard in the hands of the second class cities of our State, by adding an amendment to the former statute, providing that when a second-class city did contract to and have water supplied by anyone other than the city itself, the mayor and common council should have the right by ordinance, from time to time, to fix the rates to be charged for water.

Under the law, therefore, as is now stands, the cities of the second class which have contracts with water companies, which contracts expire, can, by an ordinance, passed by the city council, fix the rate that the water company shall in the future charge for its service.

If the water company does not wish to accept the rate provided by ordinance, ample power is given the city to erect and maintain its own water works system.

This bill attempts to provide an additional method for acquiring a water plant by a city, and authorizes the acquisition of an equity of redemption. It provides for the pledging of the income and revenue of such purchased water works to secure the payment of bonds issued for the purchase price of such works.

It is not easy to discover why the authority given by this bill to purchase mortgaged water works and issue bonds and pledge the income of the water plant should be possessed by cities of this class. Our law now provides ample means for cities of this class, financially able, to erect and operate their own water plants, and in such cities as have contracts now in force with water companies, it is provided by the present statutes that the city can arbitrarily fix the water rates when the existing contracts expire. As to cities where contracts have not expired the water companies would be unaffected by this measure, because the General Assembly by this, or any other act, could not annul or abrogate an existing contract.

The Constitution of our State wisely prohibits the incurring of indebtedness beyond a certain limit by the counties, cities and towns. This has been deemed a sound business policy for the cities, counties and towns to follow. If the acquisition by purchase of a water plant by a city would increase its indebtedness over the constitutional limit, under the existing law it cannot be legally acquired. This proposed law may not be an effort to authorize the acquiring of a water plant by a city of the second class by assuming indirectly, through a purchase of an equity of redemption, of an indebtedness in excess of the constitutional limit, but it certainly does authorize the acquisition of a water plant that is mortgaged and encumbered by cities of the second class, and there is no limit in the amount of the incumbrance.

The theory upon which the limitation on indebtedness of cities was placed in our organic law was that it was deemed wise for the municipalities of our commonwealth to remain

as near as practicable on a cash basis, and to pay for what they acquired in cash. This is evident from the provisions of article 10 of the Constitution, and particularly so from the prohibition contained in section 12 of article 10, restraining cities from becoming indebted in any year in an amount in excess of the income and revenue provided for such year without first obtaining the assent of two-thirds of the voters thereof, and even with the sanction of a vote, limiting the amount of indebtedness to not exceeding five per cent of the value of the taxable property including existing indebtedness.

This cash policy and limitation on incurring of indebtedness has preserved and maintained the financial credit of our State and of the cities thereof.

I do not think it wise to authorize the purchase of an extensive property, costing perhaps hundreds of thousands of dollars, and yet have the same heavily mortgaged, perhaps for millions. I do not think this would be in harmony with the spirit of our constitution and law, with reference to the incurring of indebtedness by municipalities. It is true, it is provided that the city may pledge the income of the plant to secure the bonds the city may issue for the purchase price; but what if the income of the plant is insufficient to meet the interest and maturing bonds? After all, it is really only an assumption by the city of the debt in practical effect. It is true the city is authorized now to incur an indebtedness up to a certain point, and it is equally true a direct way is now provided for that to be done by the existing statutes of the State.

For the reason, therefore, that I believe ample power is now given a city of the second class to erect and operate a water plant and to protect itself from unjust exactions by companies where water contracts expire by fixing under the present law the water rates by ordinances, and because I believe it unwise and not in harmony with the spirit of our law or the policy of our State to authorize the incurring or

assumption of unlimited indebtedness by our municipalities, I forward this bill to you without my approval.

Respectfully,

LON V. STEPHENS,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 21, 1899

From the Journal of the Senate, pp. 1226-1227

JEFFERSON CITY, June 21, 1899.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without my approval indorsed thereon,

Senate bill No. 22, entitled

"An act to repeal section 4796c, and to enact a new section in lieu thereof, to be known as section 4796c, and to amend section 4796g of an act relating to 'Elections, primary: In cities of 300,000 inhabitants or over,' approved March 5, 1897, with an emergency clause." This bill reached me within the ten days next before the final adjournment of the Fortieth General Assembly.

This is an act to be found at page 117 of the Session Acts 1897, and applies only to the city of St. Louis.

This act amends section 4796c as it appears in the Session Acts of 1897, in this respect to wit: Section 4796c, as adopted in 1897, provides two judges and one clerk for each election precinct, while the act of 1899 permits, or rather provides, that from each list submitted there shall be selected one judge and one clerk for each delegation submitted, to act at such primary election, unless there are three or four delegations submitted, in which event only one judge or one clerk, as the election commissioners may choose, shall be selected for each delegation. This act of 1899 might

materially increase the expense of holding primary elections, and would only complicate the election machinery by adding additional judges and clerks. Two judges and one clerk have been considered sufficient, according to the policy of our law heretofore, to hold a primary election for a political party. It must be remembered that this law is to control an election wholly within a political party, and not to apply to general elections where different parties are to be represented at the election. This privilege of having one judge and one clerk for each delegation might be so abused as to cause fifteen or twenty judges or clerks in one election precinct, by politicians or others running different delegations for some ulterior purpose. The election machinery of the State should be as simple and direct as possible, as inexpensive as it can be made, consistent with its efficiency.

Section 4796g is amended by this act of 1899, by increasing the deposit $5.00 a candidate is required to make in order to be voted for at such primary election, and increases the amount $5.00 that the members of a political party, holding the primary election, will have to pay in order to run a ticket at such primary. The amount is increased in each case from $10.00 to $15.00, and the qualified voters of the ward, not less than twenty in number, who may desire to run a ticket at such primary election, are simply taxed five dollars additional by this bill. This is not in cognizance with the spirit of our institutions. I can see no particular reason why this increase should be made. The ordinary candidate has a sufficient amount of drain upon his pocketbook already, and it should not be the aim of our laws or the policy of our State government to increase the expenses of those who may desire to become candidates before the people for the offices to be filled by the voters. The common complaint now is that it costs more money than the office is worth to obtain it, and the lavish expenditure of money in elections of the State should be discouraged.

By section 4796i of the act of 1897, it is provided that the judges and clerks may receive $3.00 per day for their

services. If fifteen or twenty delegations were run, and a judge and clerk appointed from each one, it would enormously increase the expense of the primary election. This act of 1899 simply makes more cumbersome and increases the expense of the primary election, which is already, I think, sufficiently expensive. The act of 1897, as it stands on the statute books, seems to be a complete law, and I see no benefits to be conferred by the amendment provided for in this bill. I therefore forward you the same without my approval.

Respectfully,

LON V. STEPHENS,

Governor.

SPECIAL MESSAGES

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1897

From the Journal of the Senate, p. 40

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 15, 1897.

To the Senate and House of Representatives:

There is now to the credit of the "Sinking fund" in the State treasury the sum of $106,997.00, and in the "Interest fund" the sum of $361,000.00, making a total of $467,997.00, which amount will be augmented by at least $400,000.00 within the next sixty days.

These funds can be used only for the purpose of paying off our bonded indebtedness and the interest upon our bonds and certificates of indebtedness. No interest will be due or payable until July 1st next.

Our depositories are paying us an average of 1½ per cent interest on daily balances, while our outstanding bonds, upon which the State has an option, are drawing 3½ per cent interest.

I recommend, therefore, that the Legislature pass a bill, without delay, making an appropriation chargeable to the "Sinking fund," to be used in the redemption and purchase of State bonds, during the years 1897 and 1898, of at least $1,200,000.00, and that the emergency clause be attached, so that an immediate call can be made by the Fund Commissioners for the redemption and payment of such an amount of bonds as in their judgment the balance in the treasury will justify.

I further recommend that the Insurance Department be transferred from the City of St. Louis to Jefferson City. It seems but proper that all departments of our State be located at the permanent seat of government. Room for the departments could be found in the State buildings here, and the item of rent alone thus saved would be worthy of consideration.

I would also recommend that the fee system as applied to the offices of coal oil inspector, probate judge, sheriff and excise commissioner of St. Louis, coal oil inspector of Kansas City, and all other offices in the State, the fees of which aggregate $3,000 per year or more, be abolished, and salaries provided for those offices. Every public officer should receive fair compensation for the labor which he performs, but not more. Under the fee system our people have witnessed the spectacle of a single officer in St. Louis, whose duties are not more responsible or irksome than those of an ordinary county clerk, receiving an annual income greater than the combined salaries of our seven Supreme Judges.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1897

From the Journal of the Senate, pp. 361-362

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON,
February 25, 1897.

To the Senate and House of Representatives:

Measures have been introduced in both houses of the 39th General Assembly of the State of Missouri asking for appropriations to creditably represent the State of Missouri

in the forthcoming Tennessee centennial, to be held in Nashville, Tenn., during the summer of 1897, and the Trans-Mississippi and International Exposition of 1898, to be held in Omaha, Neb.

There are very many cogent reasons why I would urge favorable consideration of both the measures in question.

In regard to the Tennessee centennial, to be held in Nashville, Tenn., beginning May 1, 1897, it should be borne in mind that a large percentage of our most loyal and progressive citizens are immigrants, or the children of immigrants, from the Commonwealth of Tennessee.

In addition to giving emphatic recognition to a most worthy enterprise, conducted on the native soil of this element of our population, it would more strongly than ever cement the cordial reciprocal relations that now exist between the two sister states which have so much in common.

The central geographical position, and the marvelous material endowments of the State of Missouri alike suggest that commanding influence that nature designed her to occupy among her sisterhood of States.

The prodigality of nature in lavishing upon this commonwealth her choicest blessings of soil, mine and forest, are matters of general wonder and universal comment.

It would seem that we would be unworthy this rich heritage unless we exert ourselves to render this natural wealth available for the uses of civilization and the blessing of mankind.

If we would transform this latent wealth into instrumentalities for the benefit of ourselves, our children and humanity, we must not hide our candle under a bushel. We must invite among us the capitalist, the agriculturist, the artisan and the laborer to transform these storehouses of natural wealth by willing hearts and skilful hands into economic products of universal demand.

There is no means of accomplishing this result so forcefully and so immediately as judicious displays of our natural products and evidences of our progress in great expositions

where people from all parts of the world will see, inspect and admire them.

Realizing the truth of these facts, a number of our sister commonwealths have already made liberal appropriations for displaying their natural resources at the exposition in question. Furthermore, in recognition of the value and importance to the welfare of our country of these enterprises, the general government has also made liberal appropriations for their encouragement.

The State of Missouri is most happily situated to make an exhibit of maximum excellence with the minimum of cost. By a wise provision of the Legislature the splendid exhibit of this State at the World's Fair has been preserved and is now the property of our State University. The non-perishable portions of the exhibits from the departments of agriculture, horticulture, mines and mining, forestry, fish and fisheries, ornithology and herbaria are stored at the University at Columbia and the School of Mines at Rolla. It will only be necessary for you to authorize a temporary transfer of these collections to the expositions in question under proper supervision, in order to make a creditable exhibit, except as to perishable agricultural and horticultural products, which can readily be supplied fresh, through the State board of agriculture and the State horticultural society, at small cost.

When it is remembered that the mineral exhibit of the State of Missouri at the World's Fair was one of the most elaborate, and, in point of scientific accuracy and excellence, probably the best there, the ease with which this can be done will be apparent. Installation fixtures for the mineral exhibit of the most excellent, ornate and durable character are also in readiness, such as cases, stands, etc., and can be placed in position in these expositions at the cost of removal and installation.

Our herbarium exhibit at the World's Fair was as large as that of all other exhibits of the same class put together, and presented to the world about 1,600 species of native

flora from the State of Missouri, and this, too, is in perfect readiness for removal and reinstallation. Our bird and fish exhibits, in ornate and substantial cases, are also ready for shipment and installation. There are also many fixtures, necessary for the making of a horticultural exhibit, that are ready for the installing of an exhibit of this character. Our forestry exhibit, consisting of over seventy species of ligneous flora, and embracing about thirty species of fine commercial woods, is also ready for immediate shipment and installation. Our splendid specimens in the geological department could also be used to an advantage.

In view of these facts it would seem that we could not be in a more enviable position to reap the advantages that will inevitably accrue from exhibits of the products of our State in the expositions at Nashville and Omaha and I recommend liberal appropriations.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 2, 1897

From the Journal of the Senate, p. 404

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 2, 1897.

To the Senate and House of Representatives:

I have the honor herewith to forward to you through the House of Representatives the Report of the State board of health for the years 1895 and 1896.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE

JANUARY 13, 1899

From the Journal of the Senate, p. 24

EXECUTIVE DEPARTMENT, STATE OF MISSOURI, JEFFERSON CITY,
January 13, 1899.

To the President of the Senate:

Sir—By an act of the General Assembly, approved April 8, 1895, the sum of $12,000 was appropriated to pay the expense of having statues of Thomas H. Benton and Francis P. Blair executed in marble or bronze, and to have the same placed in the National Capital at Washington in the gallery reserved for that purpose.

I have the honor herewith to submit (through the House of Representatives) the report of the commission named in said act to carry same into force and effect.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1899

From the Journal of the Senate, p. 24

EXECUTIVE DEPARTMENT, STATE OF MISSOURI, JEFFERSON CITY,
January 13, 1899.

To the Senate and House of Representatives:

It becomes my duty under section 8, article 5, Constitution of Missouri, at each session of the General Assembly to communicate to you each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime

of which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve, and the reason for granting the same.

Under this constitutional provision I submit herewith my report (through the House of Representatives).

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 17, 1899

From the Journal of the Senate, pp. 27-28

EXECUTIVE DEPARTMENT, STATE OF MISSOURI, JEFFERSON CITY, January 17, 1899.

To the Senate and House of Representatives:

It having been brought to my attention that the present session of Congress will make provision by a bill, fixing the times, regulating the manner in which, and declaring the character of the accounting between the United States and the several public land states, relative to the net proceeds of the sales and other disposition of the public lands therein by the United States, which shall hereafter be stated and certified to the treasury department for payment, or a bill to like effect, and having received the further information that the State of Missouri is the only State of the twenty-one not provided with a commissioner to participate in this settlement and represent the State in negotiations pending the same, it is my duty to call your attention to the necessity for the authorization for the appointment of such commissioner at as early a date as practicable by action of your honorable bodies, in such manner as may seem to you right and proper.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1899

From the Journal of the Senate, p. 39

EXECUTIVE DEPARTMENT, STATE OF MISSOURI, JEFFERSON CITY,
January 18, 1899.

To the Senate and House of Representatives:

I have the honor herewith to transmit (through the House of Representatives) the report of the Adjutant-General for the years 1897 and 1898, together with an appendix containing various reports of commanding officers of Missouri regiments etc. etc. and also a complete roster and index of over 9,000 names of our volunteer soldiers who served in the late Spanish-American war of 1898.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

APRIL 29, 1899

From the Journal of the Senate, pp. 831-832

April 29, 1899.

To the Senate and House of Representatives:

I have the honor to transmit herewith a communication from the Hon. John B. Weber, Commissioner-General of the Pan-American Exposition, to be held in Buffalo, N. Y., in 1901, and a committee composed of W. E. Mack, W. H. Ryan, J. J. Kennedy and Daniel H. McMillan, with request that it be read for your information and guidance.

Missouri, the greatest State west of the Mississippi, should be represented in a manner befitting her dignity and importance, and such movement by your body as would officially recognize the exposition should be immediately inaugurated. If in your wisdom you deem it inexpedient to appropriate money from the General Revenue fund for the use and benefit of the State's exhibit, I would respectfully request that you pass a measure officially recognizing the exposition, by empowering the executive with authority to appoint commissioners, whose duties it shall be to superintend and collect funds by popular subscription to defray the expenses of proper representation.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 3, 1899

From the Journal of the Senate, pp. 860-861

May 3, 1899.

To the Senate and House of Representatives:

The present anti-trust laws of Missouri are fairly well designed to control combines and trusts that seek to fix and maintain prices only. The legal means to enforce these laws are not in as good shape as they should be, but the present anti-trust laws of our State are inadequate to reach these combinations or trusts which attempt to crush competition by the members of the trust boycotting non-members.

There has been introduced in the Senate and passed by it an anti-trust law, known as the "Whaley bill." It is said by competent lawyers to be a splendid measure, completely adapted to speedily reach a trust and control its operations. An amendment to the bill was offered in the House by Mr.

Hamilton, Chairman of the Committee on Criminal Jurisprudence, so as to reach trusts that control competition by means of a boycott. The amendment was adopted, and it is so drawn as not to interfere with any organization carrying on a legitimate business. If associations and organizations are not controlling competition the amendment will not affect them. If they are engaged in combining to limit competition, such organizations should be amenable to the anti-trust laws of Missouri.

There is, I am informed, a representative of an organization operating on the Stock Yards at Kansas City, Missouri, here opposing the bill as amended. If the organization he represents does not control competition, the measure will not reach said association. But if the association he belongs to does limit competition, then such association should be subject to the anti-trust laws the same as any other trust.

But the General Assembly cannot, in my opinion, afford to adjourn without enacting a law on this subject embodying the principles and remedies embodied in the Whaley bill. The public mind is all directed toward the enactment and enforcement of anti-trust laws. The State of Missouri, occupying as prominent a position as it does in the Union, cannot afford to not have on its statute books ample remedies to protect its citizens in pursuing any legitimate calling they may wish to follow to procure a livelihood for themselves and families, free from restraints and boycotts and imposition by trusts and combines.

The recent decisions of the Supreme Court of the United States show clearly that by reason of the limited powers of the Federal Government it is unable to compete with these commercial vampires. The sovereign states alone possessing all the reserved powers of the people have the authority to regulate and control these matters:

"The aggregation of capital with a view to the creating of a practical monopoly is the most prominent feature of the industrial conditions of the present."

"The closing decades of the century will go into history as the trust period, as the time at which the trust took form and assumed its gigantic proportions."

"The massing of capital and of business organizations has created a revolution in the business of the country."

"One of the effects of this change is a large increase in the productiveness of capital thus employed, while the profits of the small producers are proportionately diminished."

It makes a servant and employe of the former independent man.

"Its tendency is to degrade the great middle class of our people, which constitutes the strength and stability of our political institutions, to the position of employes."

A system adapted to unduly increase the wealth of the rich and unjustly diminish the resources of the masses is a national evil. This trust system will soon wipe out commercial freedom and enact in its place commercial slavery of the masses. Personal freedom and human liberty cannot long exist where commercial slavery reigns supreme.

The following well considered thoughts from an article in a law periodical are very timely: "But, while our publicists had hardly whetted their swords to meet this question, we are confronted with a new monster a thousand times more terrible. Every student knows how corporations have grown from a monastic institution to the predominance they now occupy in the business world; but American ingenuity has invented a legal machine which may swallow a hundred corporations or a hundred thousand individuals; and then with the corporate irresponsibility, their united power be stored, like a dynamo, in portable compass, and wielded by one or two men. Not even amenable to the restraints of corporation law, these 'Trusts' may realize the satanic ambition—infinite and irresponsible power free of check or conscience. Corporations are bad enough; it is ever of the defects of the historical growth of law that the conditions which attend the birth of a legal idea so infinitely differ from

those that make possible its greatest development; but the trust is to the corporation what the mitrailleuse is to a blunderbuss."

In conclusion, I urge you to promptly pass the needed legislation on the question.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 22, 1899

From the Journal of the Senate, pp. 1202-1205

May 22, 1899.

To the Senate and House of Representatives:

The record of this General Assembly is about made up, and, looking at it now in its closing hours, it is my opinion that when the people review the work you have done they will as a whole approve it. Many needed and wholesome laws have been enacted. The duties incident to the revision have been faithfully and laboriously performed by the members of both branches of this Assembly. Each branch of the General Assembly has made an honest and sincere effort, in my judgment, to enact a law upon the subject of the taxation of franchises. I believe that in their efforts to enact this legislation the General Assembly truly reflects the voice of their constituents. I am informed that the differences between the two houses on this legislation have not yet been adjusted. The importance of the subject is my apology for trespassing upon your valuable time at this stage of your deliberations. The proposed franchise legislation is, I believe, incorporated in the revised revenue bill, and a failure to agree upon a franchise law may result in the defeat of the revision of the entire revenue law of the

State, and therefore, the importance of the matter will, I trust, cause you to pardon me for urging upon you the necessity, if possible, of arriving at an agreement upon this question.

Notwithstanding the fact that there is great doubt as to its constitutionality, I signed the Farris beer inspection bill. I therefore desire to direct your attention to the legislation concerning the taxation of franchises, now pending before the General Assembly. Taxes are collected as proportionate contributions to public purposes. This is the theory on which the burden of taxation is imposed on the citizen. The quasi public corporation owning a valuable franchise receives the grant of the franchise and the right to the sovereign power of the State government. If obligation to pay taxes rests on benefits received and protection to property rights, then surely all franchises should be taxed.

It will be admitted, I presume, by all that corporate property which pays dividends should pay taxes.

If the franchise owned by a corporation enables the corporation to declare a dividend on a certain amount of value by reason of the use of the franchise, then certainly a valuable property right exists and should bear its share of the burden of taxation.

An illustration of the remarkable value of a mere franchise exists in the case of the "Central traction" street railway franchise in St. Louis, which was, I am informed, valued at more than a million dollars by its owners, although at that time not one piece of tangible property was owned by the corporation holding the franchise.

That vast amounts of dividend-paying property in the shape of franchise values exist today in our State free from taxation, no one doubts or can dispute. If this is true, the burdens of taxation do not rest equally upon our people. If one hand of the government of the State of Missouri is to be laid upon the property of the citizen and taxes wrung from him, and with the other valuable franchises, paying dividends, on millions, are to be bestowed on quasi public cor-

porations, carrying with the favored grant exemption from taxation, is it less a robbery because it is done under the forms of law and is called taxation?

As a rule the quasi public corporation owning a franchise has a practical monopoly and is not subject to the laws of competition. This renders the property peculiarly valuable.

But the records of the State Board of Equalization for 1898 show imperatively the necessity for the taxation of franchise values. By a reference thereto it will be seen that taking the stock and bond market values of the street railways of St. Louis, Missouri, and assessing the properties on the same basis as the property of the ordinary home owner is assessed, that if the franchise values of said street railways, as reflected in the stock and bond values of the railroads, had been assessed by the State Board of Equalization that the street railways of St. Louis, Missouri, alone would have paid into the State, school board and city treasuries of St. Louis, Missouri, $282,059.51 more in taxes in 1898 than they did pay. In other words, our failure in 1898 to assess these franchises saved the street car companies of St. Louis, Missouri, $282,059.51 last year.

The majority of the State Board thought the board had no right to assess this franchise value under the present law. That these properties were worth $40,000,000, while being assessed at less than $10,000,000, is clearly shown by the recent sales of a majority of the said street car lines.

It is claimed under the present law that only the tangible property of franchise-owning corporations can be assessed. That, therefore, in the case of an electric street railway only the rails, wires, poles, machinery, buildings and cars can be taxed. But usually the value of the stocks and bonds, on which dividends and interest are paid, exceed enormously the value of the tangible property. This difference represents the value of the franchise. But the policy of our State cannot be mistaken on the question as to whether or not franchises should be taxed.

Section 2, article X of the State Constitution provides: "The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly."

Is a franchise owned by a corporation property? It must be remembered a difference exists between the mere character or franchise of being a corporation and the franchises of a corporation independent of the charter. The former is not property; the latter is property.

The corporate privilege of laying a track on a designated street, running cars thereon and collecting fares is held by the Supreme Court of Missouri to be property capable of sale and transfer.

Is there any constitutional provision rendering it the duty of the General Assembly to provide for taxing this property or making this property subject to taxation?

Section 6 of article X of the Constitution exempts certain classes of property from taxes, such as that belongs to the State, county and municipal governments, etc., but does not exempt corporate franchises.

Section 7 of article X provides: "All laws exempting property from taxation, other than the property above enumerated (referring to exemptions in section 6) shall be void." This is a plain declaration by our organic law that all property shall be taxed.

Prior to the Constitution of 1865 it was left discretionary with the General Assembly what property should be taxed. But by the Constitutions of 1865 and 1875 this arbitrary power was withdrawn from the hands of the General Assembly.

The citizen that owns a house on the street pays taxes to the State, county and city for the support of the government of each. If the street is improved he is liable for a special assessment on his house and lot to pay for said improvement in addition to his county and regular city and State taxes.

But under the law of Missouri today, as it is construed by our assessing officials, the street car company or the telephone company or the conduit or gas company is allowed the valuable privilege of using said street without paying anything for the privilege or for helping improve the street, being taxed simply on the value of the poles, wires or rails or pipes under, on or over the street, although the citizen living adjacent thereto pays a special tax to improve the street. If these rails, wires or poles or pipes were on land owned by the corporation the said pipes, wires, poles and rails would be taxed with the real estate. Much greater reason exists for taxing them on the valuable privilege surrendered to them in the exclusive use of the highway.

The street vender, the peddler, all pay taxes; merchants, brokers and manufacturers and agents all pay occupation taxes on their callings because the State or city governments, as the case may be, need the money.

Why should franchise-owning corporations not pay taxes on franchises which yield dividends, in order to help lighten the burden of the toilers who are struggling for existence and whose energy, labor and activity render valuable the most of these franchises of quasi public corporations?

Take another class of franchises, that of bridges and terminal and union depot companies, which control the ingress and egress of all traffic at Kansas City and St. Louis. By their franchise or privilege they are enabled to levy tribute on all the travel and traffic of the millions who for themselves or property are forced to procure egress and ingress to these great commercial centers. This forced tribute by way of tolls exacted enable this class of corporations to pay dividends on values millions in excess of the cost of construction or of the present value of the actual tangible property. This excess above the value of the tangible property represents the value of the franchise. This, our Constitution and our Supreme Court say, is property and should be taxed.

The income value of property fixes its value for purposes of sale. It should also fix its value for purposes of taxation.

Would not the farmer constituents of each member of this General Assembly be glad to have the basis of his agricultural land fixed for taxation by the net income producing power of said land?

If a basis of five per cent profit above cost of cultivation was established for the determination of the farm values of Missouri, how light would be the taxes of the Missouri farmer?

To illustrate: Say to the farmers of Missouri we will arrive at the value of your land in the following way: Take out your cost of cultivating your 160 acres of land, including labor and the gathering, preparing and marketing your crop, and then if you have a net profit we will determine the value of your 160 acres of land by ascertaining what sum of money at five per cent interest will yield an amount equal to the net profit you have made, and this shall be the value of your farm for taxation.

Would not the farmer assent to that? Why should not the franchise-owning corporations have the same rule applied to them?

The stock and bond market average values reflect the whole value of the corporate property, because the value of the stock and bonds of any corporation represents the value of its entire assets. This includes the franchise value. The amount of dividends and interest paid, after paying fixed expenses, then represents the income value of the corporate property, including the earning power of the franchise. This income value then represents a fair valuation for assessment, and if the property is assessed on that basis the franchise will be taxed.

Equality of privilege and burden is a necessity to the preservation of liberty. Unequal taxation is imposition of unequal burdens. Organized capital constantly seeks tax exemption, and while clamoring always for a stronger govern-

ment to protect corporate property, this impalpable, intangible legal fiction, clothed in the garb of a corporation, soulless, heirless, without heart or human sympathy or emotion, by this exemption from taxation has a large proportion of its wealth withdrawn from paying its proportionate share in maintaining the government and a corresponding increase is thrown upon those least able to pay.

In the case of the streets and public highways, on which valuable franchises are granted to corporations, the profit to the corporation comes from the public expenditures which the corporations appropriate to their own uses. A franchise in the hands of a corporation is property; it is an asset; it is something on which they issue stock. The corporation pays dividends on the value of its franchise and it certainly ought to be taxed thereon. A great many of the corporate franchises of this State have been obtained free. They have, in many instances, grown to be very valuable because of the enterprise and industry of the citizens of our State who built the great cities of our commonwealth to their present proportions. The rights and privileges which these franchise-owning corporations enjoy over the streets are absolute, and they insist on the enforcement of their right and the occupancy and use of the streets and highways where they have these privileges to the exclusion of all others. They insist upon the right of way for the passage of their vehicles; they insist on the citizens' non-interference with the apparatus they may use on the highways for the conduct of their business. They call on the laws of the State to protect them in the enforcement of their rights and the use and occupancy of the highways. The State government is bound to furnish them this protection. Why should not this privilege and franchise, which is protected, pay its just proportion of the taxes for the protection the State government gives it? The rapid growth of the great cities in this country and immense lines of transportation and the activity and enterprise of our American citizens render peculiarly valuable franchises of transportation corporations and

public service corporations in the great cities. The peculiar privileges and exemptions and profitable returns from these franchises granted these quasi public corporations have acted as a great inducement to capital and have impelled the investment, and are now impelling the investment of vast sums of money in these franchise-owning corporations, and if the franchise which is, as a rule, the most valuable asset of the corporation, is allowed to escape taxation soon a large share of the wealth of this country will be drawing splendid dividends from special privileges granted by the State, and yet paying no taxes whatever. This is contrary to the spirit of our laws and our government. It is a menace to the peace, happiness and prosperity of our people. It is a destruction of that equality before the law which tends to make our citizens contented and secure in their rights. The history of the world shows that all the great battles for personal freedom and human liberty have been fought around the question of unjust taxation. Our own splendid government and the sweet liberty that we enjoy today had its birth in a revolution that was the culmination of unjust taxation laws. Shall we read history in vain? Shall we ourselves impose through our legislators and government the same unjust and oppressive taxation upon our people that they once revolted against? If we do we should remember that the Anglo-Saxon race and the blood that flows through their veins is the same today as it was when the first shot was fired in the war of the revolution, and that similar conditions will produce similar results in the twentieth century to what it did in the eighteenth.

A great many of the states of the union have seen this danger and their legislators have met the evil promptly and have enacted such legislation as would cause this class of valuable property to pay its just proportion of the taxes.

I have been informed that recently the great State of New York, with more corporate wealth within its borders than any other State in the union, has placed upon its statute books a law similar to the one now pending before

the Senate of this State, providing for the taxation of franchise values. The history of our laws and the Constitution of our State show clearly it was the intention of our people that these franchise values should be taxed. Already on our statute books are laws providing for the taxation of bridge and telegraph franchises. I cite this to show the policy of our law and our State on this question.

The Democratic party has declared in favor of this class of legislation; the Democratic party is dominate in both branches of the General Assembly. The lower house has already passed a bill providing for the taxation of franchises, and it is now before the Senate for consideration. Its provisions are fair, ample, just and adequate, and I trust that this General Assembly will not adjourn without the enactment of this bill into a law, or some similar provision that will provide an accurate method for the ascertainment of the value of this class of property and the assessment and taxation thereof. I do not believe that the people of this State will indorse non-action in this matter by the General Assembly. Our State government has been short of revenue. We barely have enough to meet the current demands without any extra funds for demands made by unforeseen emergencies upon the revenues of the State. It is true the bill for the taxation of beer has been passed and signed, but I doubt the constitutionality of the law, because of the fact of the conflicting opinions thereon of the most eminent lawyers of our State, who have given the subject deep study, and I do not think it is safe to count upon any revenue at this time from that bill, at least not until the courts of last resort have passed upon its provisions, which will in the nature of events take from six months to a year. I, therefore, urge upon you the necessity and the justice of the enactment of legislation that will properly tax the franchise values of this State. I have always had an abiding confidence in the loyalty of both branches of the General Assembly of Missouri to the public interest, and I still have that confidence, and I appeal to you now, in the closing

hours of the General Assembly, to demonstrate once more the fact that you are the representatives of the people. I appeal to you to demonstrate that the silent, subtle power of organized corporate wealth seeking exemptions from taxation cannot influence your action and cannot longer be allowed to escape its fair share of the just burdens of maintaining the State government which furnishes it protection.

It will, no doubt, be suggested that we can get along and run the State government without additional taxation now. That is the plea of the franchise owner to escape his just share of the public burden. It is a question not of actual need alone of the revenue by the State, but of the principle of equality and justice in bearing equally the taxes necessary to meet the public expenditures of the State. The franchise as a matter of principle should bear its proportion. I have fulfilled my whole duty to you and the people on this question. I commit my record on it to their keeping, for their approval or disapproval. I leave the matter with you to determine.

Respectfully,
LON V. STEPHENS,
Governor.

TO THE SECRETARY OF STATE

JUNE 19, 1899

From the Journal of the Senate, pp. 1221-1224

JEFFERSON CITY, June 19, 1899.

To the Secretary of State:

Sir—I have the honor to forward to you herewith, without [with] my approval indorsed thereon, Senate revised bill No. 8, entitled "An act to revise and amend chapter 155 of the Revised Statutes of Missouri, 1889, and the amendatory acts thereto, entitled 'Street railroads.' "

This bill was presented to me on May 20, 1899, within ten days before the final adjournment of the 40th General Assembly, and is therefore, forwarded to you in compliance with section 12 of article 5 of the constitution of Missouri, 1875.

That section of the Constitution does not make it obligatory upon me to give any reason for my action in approving a bill, as is the case when I disapprove one, but it does not forbid me doing so, and I therefore take this opportunity to express the reasons which impelled my action.

This bill passed the Senate by a vote of 23 ayes to 7 noes, there being 4 absentees, and it passed the House by a vote of 91 ayes and 37 noes, there being 11 absentees, and with one exception all the members from St. Louis voted for the measure. The consensus of opinion of so large a portion of all the members of both branches of the General Assembly in favor of the bill, while not of controlling power over me, is entitled to great consideration and to proper respect, as it must be taken to reflect the sentiments of their constituents. Unless, therefore, the bill or some of its essential elements, conflicts with the organic law or contravenes a principle or established policy of the dominant party in our state, to whose partiality I am indebted for the power to act in this matter, and whose interest, under the law, it is my pleasant duty to foster and guard, I should hesitate long before withholding my approval or setting up my opinion against the judgment of the many able and brilliant members of the General Assembly who voted to make this bill a law.

The policy of the Democratic party has ever been to grant "home rule" to every locality as far as it can be done consistent with a proper regard for the sovereignty of the state, and with the state's obligation under the Constitution of the United States. This is exemplified by section 20 of article XII of the Constitution, which prohibits the General Assembly from granting the right to construct or operate a street railway within any city, town or village or on any public highway without first acquiring the consent

of the local authorities having control of the street or highway. Prior to the adoption of this provision the General Assembly was importuned at every session for grants of such franchises, and some of those granted did not properly guard the public welfare; so much so that the localities have ever since been embarrassed in dealing with companies holding these state charters. This bill contains a prohibition against granting a right to construct or operate a street railroad on any street without the consent of the property owners owning a majority in front feet of the property fronting on the street where the street railroad is to run. This is an invaluable safeguard to the property owners, and under the conditions now existing in nearly all large cities is necessary to preserve the privacy and quiet on residence streets, and to secure safety of travel in private vehicles to the public.

Under our Constitution all corporations must be organized under general laws, and the General Assembly is charged with the duty of providing general laws adequate to cover all kinds of corporations. Heretofore we have had no distinctive statute applicable to street railroads, and they have been organized under the general statute relating to steam railroads, which is manifestly not designed to cover street railroad companies, or else under the statute relating to business and manufacturing companies, which is not suitable to street railroad companies. This bill supplies this heretofore uncovered field and makes special and suitable provision for the organization of street railroad companies.

This bill authorizes a street railroad to purchase, lease or acquire and to hold and operate any other street railroad. It is to this grant of power that the opposition to the bill has been directed, and it is claimed that it creates or makes possible a trust or monopoly. If the objection was well taken it would be my duty and my especial pleasure and pride to veto the bill, for the blighting consequences that are incident to and follow upon the formation and mainte-

nance of all pools and trusts and monopolies beggar description, and wither the growth of manhood and sap the foundations upon which free government rests. To such unholy combinations is directly attributed the crumbling, decay and destruction of all republican governments that have ever been attempted in the history of the world, prior to the organization of our government, and it has been solely owing to the unflinching and incorruptible opposition of the Democratic party, that our government has been preserved, unstained and unsullied by the practices and consequences of such organizations and combinations. In fact, opposition to trusts and monopolies is one of the corner stones of Democratic creed, as the freedom, equality and absence of caste of the people is the keystone of the arch of Democratic faith, and so great is my belief that upon the unswerving observance of these cardinal tenets of good government, depends the perpetuity of our institutions and the welfare and happiness of our people, that I would consider myself recreant to the trust of our people and to my own manhood if I did not promptly and emphatically set the stamp of my disapproval upon any measure that conflicted with these principles and doctrines, and this would have been the fate of this bill if I had found it tainted or tinctured with the slightest tinge or resemblance to a trust or monopoly.

But the powers conferred by this bill are no greater than those now possessed under our statutes by steam railroad companies (Sec. 2567, R. S. 1889) and by telegraph and telephone companies (Sec. 2724, R. S. 1889). These provisions have been on our statute books more than twenty years, and no one has in all that time suggested that they made trusts or monopolies even possible, and our experience has not shown any operations under those provisions which militated against the interests of the people or the welfare of the state. They have undergone scrutiny by two revisions of our laws made by Democratic legislatures, and so I must believe they meet the requirements of the Democratic creed.

A trust or pool or a monopoly, in its very nature and object, makes it possible to increase the price the people inevitably must pay for the commodity or service covered by the trust, pool or monopoly. This bill does not fall within this definition, for the consolidated street railroads cannot charge the public any more than they can now severally charge under existing conditions, while on the contrary, it secures a system of transfers which the people do not now enjoy and could never acquire or enforce as long as the lines are owned or operated separately. A system of transfers is of small benefit to those who own their own vehicles or who have fixed places of residence and of business, but it is of incalculable benefit to the workman, the mechanic, the stonemason, the bricklayer, or the artisan whose residence is fixed but who must move from one locality to another as he can find work to do. This class of our people is the hardest worked, the poorest paid and the least able to protect itself of any body of our fellow-citizens, and the benefit this bill confers upon them, strongly appeals in favor of the bill, and was a potent influence upon my action in approving it.

Neither does this bill create a monopoly, for under the laws a rival street railroad can be authorized to be constructed and operated at any time, and so guarded is the law that a new and rival street railroad can be given the right to run over and use the tracks, in whole or in part, of any existing railroad or of any created or organized under this bill, and the amount the new company must pay the old company must be settled by arbitration between them, subject to review by the courts. A monopoly, therefore, under these provisions of the law is an impossibility.

I think the provisions of the bill have been misapprehended by many. It seems to me that it does not in any way violate the principles upon which the anti-trust laws are based. I noticed in the papers a few days ago an abstract of recent statutes of the state of Texas upon the subject of "trusts." It said that this is the most drastic legislation that has ever been enacted upon the subject. Yet every-

thing permitted under the street railway bill might be done, and not a single section of the Texas anti-trust laws would be violated. In fact, Governor Sayers, who signed this bill, the papers say, at the same time approved of an act authorizing certain steam railways to purchase and consolidate with other lines of railway.

Again, it has been argued that if one street railway company is permitted to acquire other lines, dangerous political power may be obtained in this way, on account of the large number of employes controlled by one corporation. What difference would there be in this behalf, whether one man, acting through separate corporate organizations, managed or controlled four or five roads, or that the same man should do the same thing under one corporate organization?

Upon a critical examination of the whole bill and an analysis of the objection to it, I have concluded that there is no trust or pool or monopoly created or made possible by it, and that as it received the sanction of so large a portion of the members of the General Assembly, as it seems to meet the almost unanimous approval of the people of the localities especially affected by it, as it does not increase the cost of service to the people but secures benefits not now enjoyed or possible of attainment, and as it does not violate any provision of the organic law or conflict with Democratic precedents or principles, or with the best interests of the people, I have affixed to it my approval.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1901

From the Journal of the Senate, p. 77

EXECUTIVE DEPARTMENT, STATE OF MISSOURI, JEFFERSON CITY,
January 7, 1901.

To the Senate and House of Representatives:

I have the honor to transmit to you (through the House of Representatives) the second annual report of the State Beer Inspector.

I also have the honor herewith to transmit to you (through the House of Representatives) the first annual report of the Board of Trustees of the Fruit Experiment Station.

I also have the honor herewith to transmit to you (through the House of Representatives) the report of the State Board of Health of Missouri for the year 1900.

Respectfully,

LON V. STEPHENS,

Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1901

From the Journal of the Senate, p. 80

EXECUTIVE DEPARTMENT, STATE OF MISSOURI, JEFFERSON CITY,
January 9, 1901.

To the Senate and House of Representatives:

I have the honor to transmit to you (through the House of Representatives) the First Biennial Report of the Mana-

gers of the Missouri Colony for the Feeble-Minded and Epileptic.

Respectfully,
LON V. STEPHENS,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1901

From the Journal of the Senate, p. 81

EXECUTIVE DEPARTMENT, STATE OF MISSOURI, JEFFERSON CITY,
January 9, 1901.

To the Senate and House of Representatives:

I have the honor to transmit to you (through the House of Representatives) the Second Biennial Report of the State Board of Charities and Corrections.

Respectfully,
LON V. STEPHENS,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1901

From the Journal of the Senate, p. 89

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY,
January 11, 1901.

To the Senate and House of Representatives:

I have the honor to transmit to you (through the House of Representatives) the Twenty-second Biennial Report of the Missouri School for the Blind.

I also have the honor herewith to transmit to you (through the House of Representatives) the Report of the Fish Commission of the State of Missouri for the years 1899-1900.

Respectfully,
LON V. STEPHENS,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1901

From the Journal of the Senate, p. 91

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JEFFERSON CITY,
January 14, 1901.

To the Senate and House of Representatives:

It becomes my duty under section 8, article 5, Constitution of Missouri, at each session of the General Assembly to communicate to you each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and the date, the date of commutation, pardon or reprieve, and the reason for granting the same.

Under this constitutional provision I submit herewith my report (through the House of Representatives).

Respectfully,
LON V. STEPHENS,
Governor.

PROCLAMATIONS

ON RELINQUISHMENT OF LAND

DECEMBER 22, 1898

From the Register of Civil Proceedings, 1897-1901, pp. 188-190

The State of Missouri: To all to whom these presents shall come—Greeting:

WHEREAS, the United States on the Eighth day of December, A. D. 1898, by their certain Patent No. 9 conveyed certain lands hereinafter described to the State of Missouri for the use and benefit of the Cairo and Fulton Railroad Company, consolidated, and now known as the Saint Louis, Iron Mountain and Southern Railway Company and its assigns:

And WHEREAS, said Patent contained and set forth the following recitals, to wit: And WHEREAS, by the act of Congress approved February 9, 1853 (10 Statutes 155) there was granted to the States of Arkansas and Missouri, "to aid in the construction of a railroad from a point on the Mississippi River opposite the mouth of the Ohio River in the State of Missouri, via Little Rock, to the Texas boundary line near Fulton in Arkansas, with branches from Little Rock in Arkansas to the Mississippi River and Fort Smith," every alternate section of land, designated by even numbers for six sections in width on each side of said road and branches,

And WHEREAS, it was further provided that "in case it shall appear that the United States have, when the line or route of said road is definitely fixed by the authority aforesaid, sold any part of any section hereby granted, or that the right of pre-emption has attached to the same, then it

shall be lawful for any agent or agents to be appointed by the Governor of said State to select, subject to the approval aforesaid from the lands of the United States * * * so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold, or to which the right of pre-emption has attached," And WHEREAS, the beneficiary under the grant elected to take its indemnity or lien lands provided for in said grant, within the odd numbered sections.

And WHEREAS, by the act of Congress, approved July 28, 1866 (14 Statutes 338) the Act of February 9, 1853, aforesaid, was revived and extended for the term of ten years, and there was "granted, added to, and made part of the donation of lands hereby renewed and made, subject to the same uses and trusts, and under the same custody, control, and conditions, and to be held and disposed of in the same manner as if included in the original grant, all the alternate sections and parts of sections, designated by odd numbers, lying along the outer line of lands heretofore granted, and within five miles on each side thereof, excepting lands reserved or otherwise appropriated by law, or to which the right of pre-emption or homestead settlement has attached,"

And WHEREAS, there has been filed in this office, through the Secretary of the Interior, evidence of the completion, within the time prescribed by law, of the road of the Cairo and Fulton, now St. Louis, Iron Mountain and Southern Railway Company, the beneficiary under the grant, And WHEREAS, certain lands have been selected as indemnity by the duly authorized agent, on account of the grant to the St. Louis, Iron Mountain and Southern Railway Company, in lieu of lands within the primary limits of said grant, as shown by his original list of selections, on file in this office,

And WHEREAS, said selected tract of land lies coterminous with the constructed line of said Company's road, and is particularly described as follows, to wit:

North of base line and East of Fifth Principal Meridian, State of Missouri,
Township Twenty-Five, Range Seven,
The East half of the North East quarter of Section seven, containing eighty acres.

NOW, THEREFORE, Know Ye, That the State of Missouri, in consideration of the premises, has given and granted, and by these presents does give and grant unto the said Cairo and Fulton Railroad Company, consolidated, and now known as the Saint Louis, Iron Mountain and Southern Railway Company, and to its assigns, all the right, title and interest accruing to the State of Missouri, as such trustee, or otherwise, by virtue of said Patent, the tracts of land above described; to have and to hold the said tracts together with the rights, privileges, immunities and appurtenances thereto belonging, unto the said Saint Louis, Iron Mountain and Southern Railway Company, and to its successors and assigns forever.

In Testimony Whereof, I, Lon V. Stephens, Governor of the State of Missouri, have caused these letters to be made Patent, and the Great
(Seal) Seal of the State of Missouri to be hereunto affixed. Given under my hand at the City of Jefferson this Twenty-second day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

LON V. STEPHENS.

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON AN AMENDMENT TO THE STATE CONSTITUTION

DECEMBER 20, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 544-545

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, the Fortieth General Assembly of the State of Missouri, at its regular session, begun and held on the 4th day of January, 1899, required, by a concurrent resolution, the submitting to the qualified voters of the State, to be voted on at the general election to be held on the Tuesday next following the first Monday in November, 1900, the following amendment to the Constitution of Missouri, concerning prosecution for crime, to wit: That at the general election to be held on Tuesday next following the first Monday in November, A. D., 1900, that the following amendment to the Constitution of the State of Missouri concerning prosecution for crime be submitted to the qualified voters of said State, to wit: Strike out the whole of section 12 of article 2 of the Constitution of the State of Missouri, and adopt in lieu thereof a new section, to be known as section 12, article 2, of said constitution, and to be in words and figures as follows:

(Section 12) No person shall be prosecuted criminally for felony or misdemeanor otherwise than by indictment, or information which shall be concurrant remedies, but this shall not be construed to apply to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger.

And, WHEREAS, it was certified to me by the Secretary of State, on the 19th of December, A. D., 1900, that it is found from the returns of said election that a majority of the qualified voters of the State voting for and against said amendment had voted at said election in favor of said amendment:

NOW THEREFORE, I, Lon V. Stephens, Governor of the State of Missouri, in consideration of the premises and in accordance with the requirements of section 7124 of the Revised Statutes of 1899, of Missouri, do hereby declare the amendment aforesaid to be ratified by a majority of the qualified voters of the State, and to be valid and binding to all intents and purposes as a part of the constitution of the State of Missouri.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal
(Seal) of the State of Missouri. Done at the City of Jefferson, this 20th day of December, A. D. 1900.

LON V. STEPHENS,

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON AN AMENDMENT TO THE STATE CONSTITUTION

DECEMBER 20, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 545-546

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, the Fortieth General Assembly of the State of Missouri, at its regular session, begun and held on the 4th day of January, 1899, required, by a concurrent resolution, the submitting to the qualified voters of the State, to be voted on at the general election to be held on the Tuesday next following the first Monday in November, 1900, the following amendment to the constitution of Missouri, concerning revenue and taxation, to wit:

That at the general election to be held on Tuesday next following the first Monday in November, A. D. 1900, the following amendment to the Constitution of the State of

Missouri, concerning revenue and taxation shall be submitted to the qualified voters of said state, to wit:

Section 1. In addition to taxes authorized to be levied for county purposes under and by virtue of section eleven article 10 of the constitution of this State, the county court in the several counties of this State not under township organization, and the township board of directors in the several counties under township organization, may in their discretion, levy and collect a special tax not exceeding fifteen cents on each one hundred dollars valuation, to be used for road and bridge purposes, but for no other purpose whatever; and the power hereby given said county courts and township boards is declared to be a discretionary power. This constitutional amendment shall not apply to the cities of St. Louis, Kansas City and St. Joseph.

And, WHEREAS, it was certified to me by the Secretary of State, on the 19th of December, A. D. 1900, that it is found from the returns of said election that a majority of the qualified voters of the State voting for and against said amendment had voted at said election in favor of said amendment:

Now, THEREFORE, I, Lon V. Stephens, Governor of the State of Missouri, in consideration of the premises and in accordance with the requirements of section 7124 of the revised statutes of 1899, of Missouri, do hereby declare the amendment aforesaid to be ratified by a majority of the qualified voters of the State, and to be valid and binding to all intents and purposes as a part of the constitution of the State of Missouri.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal (Seal) of the State of Missouri. Done at the City of Jefferson, this 20th day of December, A. D. 1900.

LON V. STEPHENS.

By the Governor:

A. A. LESUEUR,

Secretary of State.

ON AN AMENDMENT TO THE STATE CONSTITUTION

DECEMBER 20, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 546-548

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, the Fortieth General Assembly of the State of Missouri, at its regular session, begun and held on the 4th day of January, 1899, required, by a concurrent resolution, the submitting to the qualified voters of the State, to be voted on at the general election to be held on the Tuesday next following the first Monday in November, 1900, the following amendment to the constitution of Missouri, concerning taxation, to wit:

That at the general election, to be held in this state on the first Tuesday after the first Monday in November, A. D. 1900, there shall be submitted for adoption to the qualified voters of the State, the following constitutional amendment, to wit:

Section 1, That article ten (10) of the constitution of the State of Missouri be and the same is hereby amended by adding thereto two (2) new sections, to be known as sections 22 and 23, which are in words and figures as follows:

Section 22. A mortgage, deed of trust, contract or other obligation by which a debt is secured, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the property affected thereby, except as to railroad and other quasi public corporations, for which provision has already been made by law; in case of debts so secured, the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security shall be assessed and taxed to the owner of the property, in the manner hereinafter to be provided by law, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city or other local sub-

division in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof: Provided, that in all such cases the interest of the owner of the security, as well as that of the owner of the property affected by such mortgage, deed of trust, contract or obligation, shall be assessed on terms equally fair and just. If the note or other obligation secured, is entitled to a credit by payment made on the principal thereof, the assessable value of the owner of the security, upon the fact being made known to the assessor prior to the assessment, shall be diminished by the amount of such payment, and the assessable value of the owner of the land or other property, correspondingly increased, the intent hereof being to place those interested in any way in such land or other property, on the plane of absolute equality as to taxation.

Section 23. Every contract hereafter made by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein and as to such tax or assessment, be null and void. And, WHEREAS, it was certified to me by the Secretary of State, on the 19th of December, A. D. 1900, that it is found from the returns of said election that a majority of the qualified voters of the state voting for and against said amendment had voted at said election in favor of said amendment:

NOW, THEREFORE, I, Lon V. Stephens, Governor of the State of Missouri, in consideration of the premises and in accordance with the requirements of section 7124 of the revised statutes of 1899, of Missouri, do hereby declare the amendment aforesaid to be ratified by a majority of the

qualified voters of the State, and to be valid and binding to all intents and purposes as a part of the constitution of the State of Missouri.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal (Seal) of the State of Missouri. Done at the city of Jefferson, this 20th day of December, A. D. 1900.

LON V. STEPHENS.

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON AN AMENDMENT TO THE STATE CONSTITUTION

DECEMBER 20, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 548-550

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, the Fortieth General Assembly of the State of Missouri, at its regular session, begun and held on the 4th day of January, 1899, required, by a concurrant resolution, the submitting to the qualified voters of the State, to be voted on at the general election to be held on the Tuesday next following the first Monday in November, 1900, the following amendment to the constitution of Missouri, concerning the issuing of bonds by the City of St. Louis, to wit:

That at the general election to be held on the Tuesday next following the first Monday in November, A. D. 1900, the following amendment to section 12 of article X of the state constitution shall be submitted to the qualified voters of the State to wit:

That section 12 of article X of the constitution be amended by the addition thereto of the following words: "And provided further, that the corporate authorities of the City of St. Louis are hereby authorized to issue interest bearing bonds of said city in the amount of five million dollars, at a rate of interest not to exceed four per cent. per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the corporation organized for the celebration of the Louisiana purchase centennial in said city, to be used by said corporation for said celebration, in holding a world's fair or exposition in said city. And said corporate authorities of St. Louis shall be repaid as large a proportionate amount of the aid given by them as shall be repaid to the stockholders of said corporation on the sum subscribed and paid by them, and any surplus remaining from the assets of said corporation after said stockholders and said city shall have been paid in full, shall be divided between said stockholders and said city in proportion to the aggregate amount of said stock so paid in and the amount so loaned by said city: and any amount so received by said city from said corporation shall be paid into the sinking fund of said city for the redemption of its outstanding bonds: Provided, that if at the election for the adoption of this amendment to the constitution a majority of the votes cast within the limits of said city of St. Louis voting for and against this amendment, shall be against its adoption, then no bonds shall be issued under this amendment: and provided further, that no such indebtedness so created shall be in any part thereof paid by the state or from any state revenue, tax or fund, but the same shall be paid by the city of St. Louis alone.

And, WHEREAS, it was certified to me by the Secretary of State, on the 19th of December, A. D. 1900, that it is found from the returns of said election that a majority of the qualified voters of the State voting for and against said

amendment had voted at said election in favor of said amendment:

NOW, THEREFORE, I, Lon V. Stephens, Governor of the State of Missouri, in consideration of the premises and in accordance with the requirements of section 7124 of the Revised Statutes of 1899, of Missouri, do hereby declare the amendment aforesaid to be ratified by a majority of the qualified voters of the State, and to be valid and binding to all intents and purposes as a part of the constitution of the State of Missouri.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal
(Seal) of the State of Missouri. Done at the City of Jefferson, this 20th day of December, A. D. 1900.

LON V. STEPHENS.

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON AN AMENDMENT TO THE STATE CONSTITUTION

DECEMBER 20, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 550-551

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, the Fortieth General Assembly of the State of Missouri, at its regular session, begun and held on the 4th day of January, 1899, required, by a concurrant resolution, the submitting to the qualified voters of the State, to be voted on at the general election to be held on the Tuesday next following the first Monday in November, 1900, the following amendment to the constitution of Missouri, concerning an appropriation by the general assembly from the

sinking fund for the purpose of exhibiting the resources, products and industries of Missouri in the celebration of the Louisiana purchase centennial, to-wit:

That at the general election to be held on the Tuesday next following the first Monday in November, A. D. nineteen hundred, the following amendment to the constitution of the State of Missouri, authorizing the appropriation by the general assembly from the sinking fund for the purpose of exhibiting the resources, products and industries of Missouri in the celebration of the Louisiana purchase centennial, shall be submitted to the qualified voters of the state.

That section 45 of article IV of the constitution of Missouri be amended by adding the following words, to-wit: "Provided, that the general assembly shall have the power to appropriate from funds in the State sinking fund, being the proceeds of the tax authorized under section 14 of article X of the constitution, to an amount not exceeding one million dollars, for the exhibition of the resources, products and industries of the State in the centennial celebration of the Louisiana purchase in the City of St. Louis."

And, WHEREAS, it was certified to me by the Secretary of State, on the 19th day of December, A. D. 1900, that it is found from the returns of said election that a majority of the qualified voters of the State voting for and against said amendment had voted at said election in favor of said amendment.

NOW, THEREFORE, I, Lon V. Stephens, Governor of the State of Missouri, in consideration of the premises, and in accordance with the requirements of section 7124 of the Revised Statutes of 1899, of Missouri, do hereby declare the amendment aforesaid to be ratified by a majority of the qualified voters of the State, and to be valid and binding to all intents and purposes as a part of the constitution of the State of Missouri.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of

(Seal) the State of Missouri. Done at the City of Jefferson, this 20th day of December, A. D. 1900.

LON V. STEPHENS,
Governor.

By the Governor:
A. A. LESUEUR,
Secretary of State.

ON AN AMENDMENT TO THE STATE CONSTITUTION

DECEMBER 20, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 551-553

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, the Fortieth General Assembly of the State of Missouri, at its regular session, begun and held on the 4th day of January, 1899, required, by a concurrent resolution, the submitting to the qualified voters of the State, to be voted on at the general election to be held on the Tuesday next following the first Monday in November, 1900, the following amendment to the constitution of Missouri, concerning grand juries; to wit:

That at the general election to be held on Tuesday next following the first Monday in November, A. D. 1900, that the following amendment to the constitution of the State of Missouri, concerning grand juries, be submitted to the qualified voters of said State, to wit: Amend section 28 of article 2 of the constitution of the State of Missouri, by the addition thereto, after the word "bill," in the last line of said section, the following: "Provided, however, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies, but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime," so that said section, if so adopted, shall read as follows:

Section 28. Trial by Jury Inviolate—Grand Jury, Twelve Men.—The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but a jury for the trial of criminal or civil cases, in court not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill: Provided, however, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies: but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime.

And, WHEREAS, it was certified to me by the Secretary of State, on the 19th day of December, A. D. 1900, that it is found from the returns of said election that a majority of the qualified voters of the State voting for and against said amendment had voted at said election in favor of said amendment:

NOW, THEREFORE, I, Lon V. Stephens, Governor of the State of Missouri, in consideration of the premises, and in accordance with the requirements of section 7124 of the Revised Statutes of 1899, of Missouri, do hereby declare the amendment aforesaid to be ratified by a majority of the qualified voters of the State, and to be valid and binding to all intents and purposes as a part of the constitution of the State of Missouri.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal (Seal) of the State of Missouri. Done at the City of Jefferson, this 20th day of December, A. D. 1900.

LON V. STEPHENS.

By the Governor:

A. A. LESUEUR,

Secretary of State.

ON AN AMENDMENT TO THE STATE CONSTITUTION

DECEMBER 20, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 553-554

STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

WHEREAS, the Fortieth General Assembly of the State of Missouri, at its regular session, begun and held on the 4th day of January, 1899, required, by a concurrent resolution, the submitting to the qualified voters of the State, to be voted on at the general election to be held on Tuesday next following the first Monday in November, 1900, the following amendment to the Constitution of Missouri, concerning the grand jury and right of trial by jury, to wit:

That at the general election to be held on the Tuesday next following the first Monday in November, A. D. 1900, the following amendment to the Constitution of Missouri concerning the grand jury and right of trial by jury shall be submitted to qualified voters of said State, to-wit: That section 28 of article 2 of the constitution of the State of Missouri, be amended by adding after the word "law," in line three of said section the following: "and that a two-thirds majority of such number prescribed by law concurring may render a verdict in all civil cases. And that in the trial by jury of all civil cases in courts of record, three-fourths of the members of the jury concurring may render a verdict;" so that said section of the constitution, when amended, shall read as follows, to wit:

Section 28. The right of trial by jury, as heretofore enjoyed, shall remain inviolate, but a jury for the trial of civil and criminal cases in courts not of record, may consist of less than twelve men as may be prescribed by law; and that a two-thirds majority of such number prescribed by law concurring may render a verdict in all civil cases; and that in the trial by jury of all civil cases in courts of record

three-fourths of the members of the jury concurring may render a verdict. Hereafter a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill.

And WHEREAS, it was certified to me by the Secretary of State, on the 19th of December, A. D. 1900, that it is found from the returns of said election that a majority of the qualified voters of the State voting for and against said amendment had voted at said election in favor of said amendment:

NOW, THEREFORE, I, Lon V. Stephens, Governor of the State of Missouri, in consideration of the premises and in accordance with the requirements of section 7124 of the Revised Statutes of 1899, of Missouri, do hereby declare the amendment aforesaid to be ratified by a majority of the qualified voters of the State, and to be valid and binding to all intents and purposes as a part of the constitution of the State of Missouri.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal (Seal) of the State of Missouri. Done at the City of Jefferson, this 20th day of December, A. D. 1900.

LON V. STEPHENS.

By the Governor:

A. A. LESUEUR,

Secretary of State.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

MARCH 2, 1897

From the Register of Civil Proceedings, 1893-1897, p. 568

The Governor on the first day of March 1897, issued a proclamation promulgating and ordering observed and enforced throughout the state the quarantine regulations adopted by the State Board of Agriculture establishing and defining a quarantine line for the purpose of preventing the spread of contagious disease among cattle.

MARCH 6, 1897

From the Register of Civil Proceedings, 1893-1897, p. 569

The Governor ordered a special election held on Tuesday June 1st, 1897 in the first congressional district to fill the vacancy in the 55th Congress caused by the death of Honorable R. P. Giles, and issued writs of election to the sheriffs of the several counties in said district requiring ten days notice to be given of said election.

APRIL 6, 1897

From the Register of Civil Proceedings, 1893-1897, p. 581

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and delivery of the unknown murderer of S. W. Wilson to the sheriff of Grundy county and for his conviction of the crime aforesaid--Reward to stand good for one year.

MAY 17, 1897

From the Register of Civil Proceedings, 1893-1897, p. 594

The Governor issued a proclamation offering a reward of two hundred dollars for arrest and conviction of the unknown murderer of Harriet Boillot.

MAY 17, 1897

From the Register of Civil Proceedings, 1893-1897, p. 594

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and delivery Cyrus S. Craft charged with escaping from jail.

MAY 17, 1897

From the Register of Civil Proceedings, 1893-1897, p. 595

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of L. P. Burns charged with killing J. W. Shoemake.

MAY 17, 1897

From the Register of Civil Proceedings, 1893-1897, p. 595

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of one Emmet Sutton charged with killing Charles Wise.

MAY 24, 1897

From the Register of Civil Proceedings, 1893-1897, p. 597

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of the unknown murderer of Nancy A. Birdsong: reward to stand good for one year.

MAY 27, 1897

From the Register of Civil Proceedings, 1893-1897, p. 598

The Governor issued a proclamation offering a reward of One hundred dollars for arrest and conviction of unknown person charged with robbing the Hermitage Bank—or attempting to rob said bank.

JUNE 2, 1897

From the Register of Civil Proceedings, 1893-1897, p. 601

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of John Gomer charged with killing Jacob Griggs, limited to one year from date.

JUNE 2, 1897

From the Register of Civil Proceedings, 1893-1897, p. 601

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of unknown murderer of Joseph A. Worley—limited to one year from date.

JUNE 8, 1897

From the Register of Civil Proceedings, 1893-1897, p. 603

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and delivery of Peter Renfrew a convicted person who escaped from jail.

JUNE 22, 1897

From the Register of Civil Proceedings, 1893-1897, p. 609

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest and delivery to the

sheriff of St. Louis of John Henry Orrick a fugitive from justice—good for one year.

JUNE 28, 1897

From the Register of Civil Proceedings, 1893-1897, p. 611

The Governor issued a proclamation offering a reward of two hundred dollars each for the arrest and conviction of unknown murderers of Joseph A. Worley.

JULY 13, 1897

From the Register of Civil Proceedings, 1893-1897, p. 615

The Governor issued a proclamation offering a reward of One hundred and fifty dollars for arrest and conviction of George Lucas charged with killing Charles Smith.

JULY 14, 1897

From the Register of Civil Proceedings, 1893-1897, p. 616

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of Ed. McKenzie, charged with killing Nicholas Linhardt.

JULY 23, 1897

From the Register of Civil Proceedings, 1893-1897, p. 621

The Governor issued a proclamation offering a reward of fifty dollars for the arrest and conviction of Abe Tegnor charged with shooting and wounding William Kizer.

JULY 23, 1897

From the Register of Civil Proceedings, 1893-1897, p. 621

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest and conviction of one Herb Irvin charged with killing James Curtis.

JULY 30, 1897

From the Register of Civil Proceedings, 1893-1897, p. 622

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and delivery of George Taylor to the sheriff of Carroll county in one year.

AUGUST 18, 1897

From the Register of Civil Proceedings, 1893-1897, p. 627

The Governor issued a proclamation offering a reward of One hundred and fifty dollars for the arrest and conviction of John Humphreys charged with killing John W. Anderson.

SEPTEMBER 6, 1897

From the Register of Civil Proceedings, 1893-1897, p. 631

The Governor issued a proclamation offering a reward of two hundred dollars for arrest and conviction of three unknown murderers of W. E. Schmidth or Sullivan—Good for one year.

SEPTEMBER 11, 1897

From the Register of Civil Proceedings, 1893-1897, p. 633

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of

Newton Crider & Frank Berehorst, charged with killing John Zeigler—to stand good for one year.

NOVEMBER 1, 1897

From the Register of Civil Proceedings, 1897-1901, p. 1

The Governor issued his proclamation designating Thursday the twenty-fifth day of November, 1897, as Thanksgiving day and advising its due observance.

NOVEMBER 19, 1897

From the Register of Civil Proceedings, 1897-1901, p. 8

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of two unknown men charged with raping Mrs. Jacob Resch—said reward limited to one year.

NOVEMBER 19, 1897

From the Register of Civil Proceedings, 1897-1901, p. 8

The Governor issued a proclamation offering a reward of fifty dollars for the arrest and conviction of Samuel Tipton charged with ravishing Grace Maud Dillard—said reward limited to one year.

DECEMBER 13, 1897

From the Register of Civil Proceedings, 1897-1901, p. 17

The Governor issued his proclamation offering a reward of two hundred dollars for the arrest and conviction of Henry Banks charged with the murder of George Coosaboom, said reward limited to one year, being a renewal.

DECEMBER 21, 1897

From the Register of Civil Proceedings, 1897-1901, p. 20

The Governor issued his proclamation offering a reward of two hundred dollars for the arrest and conviction of Robert Rose Martin charged with the murder of Willis Dearing, a police officer, at DeSoto, Jefferson County, December 16, 1897, said reward to remain in force for one year.

DECEMBER 31, 1897

From the Register of Civil Proceedings, 1897-1901, p. 23

The Governor issued his proclamation offering a reward of two hundred dollars for the arrest and conviction of the unknown murderers of Miss Carrie Mattingly of Miami, Saline County.

JANUARY 15, 1898

From the Register of Civil Proceedings, 1897-1901, p. 29

The Governor issued his proclamation approving quarantine regulations adopted by the State Board of Agriculture for the purpose of preventing the spread of contagious diseases among cattle.

JANUARY 24, 1898

From the Register of Civil Proceedings, 1897-1901, p. 35

The Governor issued his proclamation offering a reward of Two Hundred Dollars for the arrest and conviction of John P. Harrison, late Clerk of the County Court of Phelps County, charged with embezzling the funds of said county.

JANUARY 27, 1898

From the Register of Civil Proceedings, 1897-1901, p. 36

The Governor issued his proclamation suspending until February 1st, 1898, the enforcement of his quarantine proclamation of January 15th, 1898.

MARCH 2, 1898

From the Register of Civil Proceedings, 1897-1901, p. 49

The Governor issued his proclamation offering a reward of two hundred dollars for the arrest and conviction of unknown person who committed rape on Mrs. Kate Bishop in Jasper County about the 7th day of January, 1898, to stand for one year.

MARCH 29, 1898

From the Register of Civil Proceedings, 1897-1901, p. 63

The Lieutenant and Acting Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of the unknown murderer of George H. Leonard, Marshal of Cameron, Clinton County, on the 16th day of March, 1898, the reward to stand good for one year from this date.

APRIL 6, 1898

From the Register of Civil Proceedings, 1897-1901, p. 67

The Lieutenant and acting Governor issued a proclamation offering a reward of Seventy-five dollars for the arrest and conviction of Sam Davenport charged with the killing of Charles Hull in Scott County December 25th, 1897, said reward to stand for one year.

APRIL 19, 1898

From the Register of Civil Proceedings, 1897-1901, p. 73

The Governor issued his writs ordering a special election to be held at the General election on November 8th, 1898, in the Third Senatorial District for the election of a Senator to fill the vacancy occasioned by the death of Senator William C. Wells of Platte County.

MAY 2, 1898

From the Register of Civil Proceedings, 1897-1901, p. 78

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest and delivery to Sheriff of Washington County of Charles Peeble and his conviction of rape for which stands indicted, and who broke jail and is a fugitive from justice, said reward to stand good for one year.

MAY 28, 1898

From the Register of Civil Proceedings, 1897-1901, p. 91

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest of Columbus Hayes, convicted of murder in the first degree, and escaped from jail, and his delivery to the Sheriff of Andrew county, the reward to stand good for one year.

JUNE 14, 1898

From the Register of Civil Proceedings, 1897-1901, p. 99

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest, delivery to the Sheriff of Dunklin County, and conviction of Sam Campbell charged with the murder of William Keys in Dunklin County in June, 1888.

JULY 1, 1898

From the Register of Civil Proceedings, 1897-1901, p. 116

The Governor, on behalf of the State of Missouri, issued a State Certificate of indebtedness under Sections 8818, 8819, 8820 R. S. 1889, to the State Board of Education, in trust for the public school fund, for the sum of Eighteen Thousand dollars, payable in twenty years after date, with five percentum interest payable on the first days of July and January, said interest to be applied to the maintenance of free public schools as provided by law.

JULY 1, 1898

From the Register of Civil Proceedings, 1897-1901, p. 116

The Governor, on behalf of the State of Missouri, issued a State Certificate of indebtedness, under sections 8818, 8819 and 8820, to the State Board of Education, in trust for the State Seminary fund, for the sum of Six Thousand Dollars, payable in twenty years after date, with five percentum interest payable on the first days of July and January, said interest to be applied to the maintenance of the State University.

JULY 12, 1898

From the Register of Civil Proceedings, 1897-1901, p. 120

The Governor issued a proclamation asking aid for the flood sufferers of Steelville, Missouri.

JULY 19, 1898

From the Register of Civil Proceedings, 1897-1901, p. 122

The Governor issued a proclamation renewing the offer of a reward of one hundred and fifty dollars for the arrest,

delivery to the Sheriff of St. Charles County, and the conviction of George Lucas, charged with the killing of Charles Smith in said county of St. Charles and now a fugitive from justice.

AUGUST 26, 1898

From the Register of Civil Proceedings, 1897-1901, p. 138

The Governor issued a proclamation recommending the observance of September 5th, 1898, as "Labor Day."

SEPTEMBER 2, 1898

From the Register of Civil Proceedings, 1897-1901, p. 141

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest and delivery to the Sheriff of Pike county of J. Will Baur who was convicted in the Circuit Court of Pike county for Robbery in Ralls county and afterward broke jail and escaped. Said offer of reward to stand good for one year from this date.

SEPTEMBER 15, 1898

From the Register of Civil Proceedings, 1897-1901, p. 145

The Governor issued a proclamation offering a reward of twenty-five dollars for the arrest of delivery of George Lowry to the Sheriff of Mississippi County and his conviction of the crime of murdering an infant of Dora Dunning in said county on the 4th day of August, 1898.

SEPTEMBER 24, 1898

From the Register of Civil Proceedings, 1897-1901, p. 149

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest and conviction of Josh

Ramey, charged with the murder of James Ward in Dunklin County, September 13th, 1898, the reward to stand for one year.

SEPTEMBER 26, 1898

From the Register of Civil Proceedings, 1897-1901, p. 150

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and conviction of the unknown person who robbed the Missouri Pacific Railway Company's train, near Leeds, Jackson County, Missouri, on September 23d, 1898, the offer of reward to stand good for one year from this date.

OCTOBER 13, 1898

From the Register of Civil Proceedings, 1897-1901, p. 157

The Governor issued a proclamation recommending to the school children of the State the observance of October 19th, the anniversary of the surrender of Yorktown, as "Lafayette Day."

OCTOBER 17, 1898

From the Register of Civil Proceedings, 1897-1901, p. 159

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and delivery to the sheriff of Pulaski county and the conviction [of] person or persons who murdered Sterling Teeple at Waynesville, Pulaski county on the 5th day of July, 1898, said offer of reward to stand good for one year from this date.

OCTOBER 29, 1898

From the Register of Civil Proceedings, 1897-1901, p. 164

The Governor issued a proclamation recommending the observance of Thursday, November 24th, 1898, as a day of general thanksgiving.

NOVEMBER 28, 1898

From the Register of Civil Proceedings, 1897-1901, p. 177

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest and delivery to the Sheriff of Carroll County of George Taylor, under sentence of death for murder, and escaped from jail.

DECEMBER 1, 1898

From the Register of Civil Proceedings, 1897-1901, p. 179

The Governor issued a proclamation offering a reward of two hundred dollars each for the arrest and conviction of the unknown murderers of A. Duffner in Dallas County in September, 1898.

DECEMBER 9, 1898

From the Register of Civil Proceedings, 1897-1901, p. 183

The Lieutenant and acting Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of the unknown murderers of Thomas Hagans in Boone county on November 7th, 1898—the offer of reward to remain in force for one year from this date.

DECEMBER 9, 1898

From the Register of Civil Proceedings, 1897-1901, p. 183

The Lieutenant and acting Governor issued a proclamation offering a reward of fifty dollars for the arrest and conviction of J. D. Coons alias M. Y. Young, alias —— Torrent charged with forgery in Lawrence County—said offer of reward to remain in force for one year from this date.

DECEMBER 27, 1898

From the Register of Civil Proceedings, 1897-1901, p. 191

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of John Holloway, the murderer of Jule Boillot in Osage County on December 24, 1898, the offer of reward to stand good for one year.

DECEMBER 29, 1898

From the Register of Civil Proceedings, 1897-1901, p. 192

The Governor issued a proclamation offering a reward of two hundred and fifty dollars for the arrest and conviction of Oscar Bowen who murdered Joseph Albright at Platte City on July 16th, 1898, the offer of reward to stand good for one year.

FEBRUARY 8, 1899

From the Register of Civil Proceedings, 1897-1901, p. 269

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of Robert Rose Martin, charged with the killing of Willis Dearing at DeSoto, Jefferson county on December 16, 1897, said offer of reward to stand good for one year from this date.

FEBRUARY 8, 1899

From the Register of Civil Proceedings, 1897-1901, p. 270

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest, delivery to the Sheriff of Camden County at the jail of said county and for the conviction of the unknown murderer or murderers of George W. Anderson and Anna Worsback in Camden County on or about January 12th, 1899, said offer of reward to stand good for one year from this date.

FEBRUARY 16, 1899

From the Register of Civil Proceedings, 1897-1901, p. 273

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest, delivery to the Sheriff of Oregon County at the jail thereof, and the conviction of John Skean charged with the murder of R. H. Parrott, in Oregon county, 1898, said reward to stand good for one year from this date.

FEBRUARY 17, 1899

From the Register of Civil Proceedings, 1897-1901, p. 274

The Governor issued a writ to the Sheriff of Boone County directing that an election be held in that county on Tuesday, February 28th, 1899, to fill the vacancy from said county in the Fortieth General Assembly created by the death of Honorable James W. Kneisley.

FEBRUARY 21, 1899

From the Register of Civil Proceedings, 1897-1901, p. 276

The Governor issued a writ directing the Sheriff of Pemiscot county to order an election to be held in said

county on Saturday, March 4th, 1899, for a Representative in the Fortieth General Assembly of the State of Missouri to fill the vacancy occasioned by the death of Hon. John T. Averill.

FEBRUARY 27, 1899

From the Register of Civil Proceedings, 1897-1901, p. 279

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest and delivery to the Sheriff of Dunklin County, at the jail thereof, of Milo Grigory charged with killing Joe Cobert in said County, on February 20, 1899; said offer of reward to stand good for one year.

MARCH 1, 1899

From the Register of Civil Proceedings, 1897-1901, p. 280

The Governor issued a proclamation quarantining the State penitentiary against small-pox.

MARCH 7, 1899

From the Register of Civil Proceedings, 1897-1901, p. 284

The Governor issued a proclamation promulgating the quarantine regulations adopted by the State Board of Agriculture for the purpose of preventing the spread of contagious diseases among cattle.

MARCH 9, 1899

From the Register of Civil Proceedings, 1897-1901, p. 285

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest, delivery to the Sheriff of Perry county and conviction of the unknown murderers

of Lon Nuls, who was shot and killed in said county on the night of January 15th, 1899, said offer of reward to stand one year.

MARCH 9, 1899

From the Register of Civil Proceedings, 1897-1901, p. 285

The Governor offered a reward, by proclamation this day issued, of two hundred dollars for the arrest, delivery to the Sheriff of Lawrence county and the conviction of Jonathan W. Lewis, charged by indictment with the Killing of William S. Ryan in said county, said offer of reward to stand for one year.

MARCH 10, 1899

From the Register of Civil Proceedings, 1897-1901, pp. 286-287

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest, delivery to the sheriff of the county of Carter, and conviction of Grant Freeman charged with the Killing of Mace Smith, said offer of reward to stand good for one year.

MARCH 10, 1899

From the Register of Civil Proceedings, 1897-1901, p. 287

The Governor issued a proclamation offering a reward of five hundred dollars for the arrest, delivery to the Sheriff of Shannon county, and the conviction of A. O. Thomason and James Taylor, charged with the Killing of E. G. Turley in said county—two hundred dollars of which reward is for the arrest, delivery and conviction of A. O. Thompson aforesaid, and three hundred dollars for the arrest, delivery and conviction of James Taylor aforesaid, said offer of reward to stand for one year.

APRIL 10, 1899

From the Register of Civil Proceedings, 1897-1901, p. 299

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and conviction of the unknown murderer of Samuel Crow in Holt county March 25th, 1899.

APRIL 13, 1899

From the Register of Civil Proceedings, 1897-1901, p. 300

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest, delivery to the Sheriff of Hickory County at the jail thereof, and conviction of the unknown person charged with having attempted to rob the Hermitage Bank, located at Hermitage, said offer of reward to stand good for one year from this date.

APRIL 18, 1899

From the Register of Civil Proceedings, 1897-1901, p. 302

The Governor issued a writ directing that a special election be held in the county of Vernon on Saturday, April 29, 1899, to fill a vacancy in the office of Representative in the Fortieth General Assembly occasioned by the death of Honorable John D. Ellis.

MAY 1, 1899

From the Register of Civil Proceedings, 1897-1901, p. 307

The Governor issued a proclamation requesting individuals, churches, clubs, exchanges and charitable organizations and relief associations to contribute to the relief of the citizens of Kirksville and Newtown, Mo., sufferers from the effects of the Cyclone at those towns on the evening of April 27th, 1899.

MAY 2, 1899

From the Register of Civil Proceedings, 1897-1901, p. 307

The Governor issued a proclamation offering a reward of fifty dollars for arrest, delivery to the Sheriff of Cape Girardeau county at the jail thereof, and conviction of the unknown persons who robbed August Vornkohl in said county, on September 3, 1898, said offer of reward to remain good for one year from this date.

MAY 4, 1899

From the Register of Civil Proceedings, 1897-1901, p. 309

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest, delivery to the Sheriff of New Madrid County at the jail thereof, and conviction of Sam Waters, colored, who shot and killed Frank Holmes and his wife, in the county of New Madrid, on April 15th, 1899, said offer of reward to stand good for one year from this date.

MAY 5, 1899

From the Register of Civil Proceedings, 1897-1901, p. 309

The Governor issued a proclamation promulgating the quarantine regulations adopted by the State Board of Agriculture for the purpose of preventing the spread of contagious diseases among cattle.

MAY 6, 1899

From the Register of Civil Proceedings, 1897-1901, p. 310

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest, delivery to the Sheriff

of Clark County, at the jail thereof, and conviction of Joseph Ryan charged with the Killing of R. P. Cora in said county of Clark.

JUNE 19, 1899

From the Register of Civil Proceedings, 1897-1901, p. 324

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest and delivery to the Sheriff of Lawrence County, at the county seat thereof, and the conviction of Ab. Mead, charged with the Killing of William Agan in said county—this offer of reward to stand good for one year from this date.

JUNE 20, 1899

From the Register of Civil Proceedings, 1897-1901, p. 325

The Governor issued a proclamation offering a reward of One hundred and fifty dollars for the arrest, delivery to the sheriff of Howard County, at the county seat thereof, and conviction of Frank Emory, (Colored) charged with the ravishing of Miss Willie Dougherty, in said county on June 17th, 1899—this offer of reward to remain good for one year.

JULY 5, 1899

From the Register of Civil Proceedings, 1897-1901, p. 331

The Governor issued a writ for a special election to be held in the various counties composing the Eighth Congressional District on Tuesday, August 29th, 1899, to fill the vacancy occasioned by the death of Honorable Richard Parks Bland, Representative in Congress for said district.

JULY 12, 1899

From the Register of Civil Proceedings, 1897-1901, p. 335

The Governor offered a reward of fifty dollars for the arrest and delivery to the Sheriff of Pulaski county, at the county seat of said county, of Alf Killman, who escaped from custody pending his trial for and conviction of grand larceny, at the September term, 1898, of the Pulaski County Circuit Court; said offer of reward to stand good for one year from this date.

JULY 14, 1899

From the Register of Civil Proceedings, 1897-1901, p. 335

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest, delivery to the Sheriff of Ray County, at the county seat thereof, and conviction of the unknown murderer or murderers of Thomas Graves and Lucy Graves in said county, on July 10th, 1899, said offer of reward to stand good for one year from this date.

JULY 17, 1899

From the Register of Civil Proceedings, 1897-1901, p. 336

The Governor issued a proclamation revoking his proclamation of July 14th, 1899, and issued in its stead a proclamation offering a reward of two hundred and fifty dollars each for the arrest, delivery to the Sheriff of Ray County, at the county seat thereof, and conviction of the unknown murderer or murderers of Thomas Graves and Lucy Graves, in Ray County, on the night of July 10th, 1899—the offer of reward to stand good for one year from this date.

AUGUST 8, 1899

From the Register of Civil Proceedings, 1897-1901, p. 342

The Governor issued a proclamation offering a reward of one hundred and fifty dollars for the arrest, delivery to the Sheriff of St. Charles County at the county seat thereof, and conviction of George Lucas charged with the killing of Charles Smith in said County of St. Charles, said offer of reward to stand good for one year from this date.

SEPTEMBER 25, 1899

From the Register of Civil Proceedings, 1897-1901, p. 358

The Governor issued a proclamation offering a reward of fifty dollars for the arrest, delivery to the Sheriff of Cape Girardeau County at the county seat thereof, and conviction of Robert Moore charged with the killing of John Strong in said county on July 7th, 1899. Said offer of reward to stand good for one year.

OCTOBER 23, 1899

From the Register of Civil Proceedings, 1897-1901, p. 369

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest, delivery to the Sheriff of St. Clair County at the county seat thereof, and conviction of William Emmerson, charged with the killing of Isaac Ray in said county—said offer of reward to stand good for one year from this date.

OCTOBER 23, 1899

From the Register of Civil Proceedings, 1897-1901, p. 369

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest, delivery to the Sheriff

of Stoddard County at the county seat thereof, and conviction of Fred McGowan, charged with the murder of Pulaski Black, in said county on October 13th, 1899—said offer of reward to stand good for one year.

OCTOBER 28, 1899

From the Register of Civil Proceedings, 1897-1901, p. 371

The Governor issued his proclamation recommending the observance of Thursday, November 30th, 1899, as a day of public and general thanksgiving.

OCTOBER 31, 1899

From the Register of Civil Proceedings, 1897-1901, p. 371

The Governor issued a proclamation offering a reward of three hundred dollars for the arrest, delivery to the Sheriff of the City of St. Louis and conviction of Noble Shepard; convicted of murder, and escaped jail—this offer of reward to stand good for one year from date hereof.

DECEMBER 11, 1899

From the Register of Civil Proceedings, 1897-1901, p. 387

The Governor issued a proclamation offering a reward of one hundred and fifty dollars for the arrest and delivery to the Warden of the Penitentiary, at Jefferson City, of Ed Karsh, a convict who escaped from the penitentiary December 9, 1899—said offer of reward to stand good for one year.

DECEMBER 11, 1899

From the Register of Civil Proceedings, 1897-1901, p. 387

The Governor issued a proclamation offering a reward of one hundred and fifty dollars for the arrest and delivery

to the Warden of the Penitentiary, at Jefferson City, of John Grant, a convict who escaped from the penitentiary November 20, 1899—said offer of reward to stand good for one year.

JANUARY 7, 1900

From the Register of Civil Proceedings, 1897-1901, p. 397

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and delivery to the Sheriff of Dunklin County, at the jail thereof, of Milo Gregory, convicted of murder in the first degree and sentenced to be hanged, who escaped from the jail of said county on January 6, 1900—said offer of reward to stand good for one year.

JANUARY 7, 1900

From the Register of Civil Proceedings, 1897-1901, pp. 397-398

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and delivery to the Sheriff of Dunklin County, at the jail thereof, of James H. Tettaton convicted of murder in the first degree and sentenced to be hanged, who escaped from the jail thereof on January 6, 1900—said offer of reward to stand good for one year.

FEBRUARY 13, 1900

From the Register of Civil Proceedings, 1897-1901, p. 410

The Governor issued a proclamation offering a reward of two hundred dollars for the arrest and delivery to the Sheriff of Carter County, at the jail thereof, of Grant Freeman, charged with the killing of Mac Smith in said county—said offer of reward to stand good for one year from this date.

MARCH 2, 1900

From the Register of Civil Proceedings, 1897-1901, p. 417

The Governor issued a proclamation offering a reward of Two Hundred and Fifty dollars for the arrest, delivery to the Sheriff of Vernon County, at the jail thereof, and conviction of the unknown murder[er] or murderers of John Snider on the 21st day of December, 1899, in Vernon County —this offer of reward to stand good for one year from this date.

MARCH 31, 1900

From the Register of Civil Proceedings, 1897-1901, p. 426

The Governor issued a proclamation offering a reward of Two Hundred dollars for the arrest, delivery to the Sheriff of Jefferson county at the jail thereof and conviction of Robert Rose Martin for the killing of Willis Dearing in said county on December 26, 1897, said offer of reward to stand good for one year from this date.

APRIL 3, 1900

From the Register of Civil Proceedings, 1897-1901, p. 427

The Governor issued a proclamation offering a reward of Three Hundred Dollars for the arrest and delivery to the Sheriff of Carroll County at the County Seat thereof of George Taylor, convicted murderer of the Meeks family.

APRIL 6, 1900

From the Register of Civil Proceedings, 1897-1901, p. 429

The Governor issued a proclamation offering a reward of Two Hundred Dollars for the arrest, delivery to the Sheriff of St. Clair County, at the County seat thereof, and

conviction of William Summers, under indictment for murder in the first degree in said county.

APRIL 7, 1900

From the Register of Civil Proceedings, 1897-1901, p. 430

The Governor issued a proclamation offering a reward of Fifty Dollars for the arrest and delivery to the Sheriff of New Madrid County at the jail thereof, and conviction of Ulysses Jackson (Col) charged with the murder of Fannie Williams (Col) in the County of New Madrid, on or about March 25, 1900—said offer of reward to stand good for one year from this date.

APRIL 23, 1900

From the Register of Civil Proceedings, 1897-1901, p. 435

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest, delivery to the Sheriff of Butler County, at the jail thereof, and conviction of the unknown murderer of Robert Kilgore in said county on March 28, 1900—this offer of reward to stand good for one year from this date.

APRIL 25, 1900

From the Register of Civil Proceedings, 1897-1901, p. 436

The Governor issued a proclamation offering a reward of Two Hundred dollars for the arrest, delivery to the Sheriff of Cape Girardeau County, at the jail thereof, and conviction of the unknown murderers of William J. Looney of said county—said offer of reward to stand good for one year from date.

APRIL 25, 1900

From the Register of Civil Proceedings, 1897-1901, p. 436

The Governor issued a proclamation offering a reward of One Hundred dollars for the arrest, delivery to the Sheriff of Hickory County and conviction of the unknown robber of the Hermitage Bank in said county of Hickory—said offer of reward to stand good for one year from this date.

JUNE 18, 1900

From the Register of Civil Proceedings, 1897-1901, p. 454

The Governor issued a proclamation promulgating the quarantine regulations adopted by the State Board of Agriculture for the purpose of preventing the spread of contagious diseases among cattle.

JUNE 23, 1900

From the Register of Civil Proceedings, 1897-1901, p. 456

The Governor issued a proclamation offering a reward of One Hundred Dollars for the arrest, delivery to the Sheriff of Jefferson County at the jail thereof and conviction of Albert Broughton charged with the murder of Henry Nunsteil in said county on June 8, 1900.

JUNE 26, 1900

From the Register of Civil Proceedings, 1897-1901, p. 457

The Governor issued a proclamation offering a reward of One Hundred and Fifty dollars for the arrest, delivery to the Sheriff of Osage county at the jail thereof, and conviction of Daniel Beatty, charged with the murder of John H. Hopkins in said county on April 10, 1900.

JUNE 26, 1900

From the Register of Civil Proceedings, 1897-1901, p. 457

The Governor issued a proclamation offering a reward of Two Hundred Dollars for the arrest, delivery to the Sheriff of Greene County and conviction of the unknown person charged with the murder of Charley Payne in said county on June 2, 1900.

JULY 18, 1900

From the Register of Civil Proceedings, 1897-1901, p. 463

The Governor issued a proclamation offering a reward of one hundred dollars for the arrest, delivery to the Sheriff of Pulaski county, at the jail thereof, of Alf. Killman, who escaped while under conviction and sentence for grand larceny in said county.

AUGUST 20, 1900

From the Register of Civil Proceedings, 1897-1901, p. 471

The Lieutenant and Acting Governor issued a proclamation offering a reward of Two Hundred Dollars for the arrest, delivery to the Sheriff of Barton County, at the jail thereof, and conviction of Noland Webb, charged with the Killing of John Davidson in said County on August 4, 1900.

AUGUST 23, 1900

From the Register of Civil Proceedings, 1897-1901, p. 472

The Lieutenant and Acting Governor issued a proclamation offering a reward of Two Hundred Dollars for the arrest, delivery to the Sheriff of Howell County, at the jail thereof, and conviction of the murder[er] or murderers of John Robbins, in said county recently—this offer of reward to stand good for one year.

AUGUST 24, 1900

From the Register of Civil Proceedings, 1897-1901, p. 473

The Lieutenant and acting Governor issued a proclamation offering a reward of Two Hundred Dollars for the arrest, delivery to the Sheriff of Pemiscot County, at the jail thereof, and conviction of S. P. Burns who is charged with the Killing of J. W. Shoemake in said county on January 28, 1896, said offer of reward to stand good for one year.

SEPTEMBER 28, 1900

From the Register of Civil Proceedings, 1897-1901, p. 485

The Governor issued a proclamation offering a reward of One hundred dollars for the arrest, delivery to the Sheriff of Camden County, at the jail thereof, and conviction of Abe and Henry Rogers, charged with the murder of Jesse G. Walters in said county on August 13, 1900.

OCTOBER 23, 1900

From the Register of Civil Proceedings, 1897-1901, p. 493

The Governor issued a proclamation offering a reward of Two Hundred Dollars each for the arrest, delivery to the Sheriff of Vernon County at the jail thereof, and conviction of the unknown murderers of William Moran at Bronaugh in said county, on October 19, 1900—said offer of reward to stand good for one year from date.

NOVEMBER 3, 1900

From the Register of Civil Proceedings, 1897-1901, p. 499

The Governor issued a proclamation recommending the observance of Thursday, November 29th, 1900, as day of general and public thanksgiving and the suspension of secular avocations.

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